United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, January 4, 2007*

This being the day fixed by the 20th amendment to the Constitution of the United States and Public Law 109–447 for the meeting of the Congress of the United States, the Members-elect of the 110th Congress met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Karen L. Haas.

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

Today is built upon all the yesterdays and contains the promise of all the tomorrows.

Lord God, You are the eternal author of all creation and every age. You are the same yesterday, today and forever. Be present to us now. Be gracious and bless all those duly elected by their districts who gather today to form the House of the people as the 110th Congress of the United States of America for the governance of our beloved Nation.

Together, may they know forthright debate and civil discourse, enact quality legislation and persevere in representing the diversity and the will of the people in addressing the priority issues facing the Nation today.

Bless the families of these Representatives, granting them forbearance and understanding of the public service implied by this undertaking.

Lord, may the 110th Congress of the United States read the signs of the times and seize this moment to create a history that will reflect the values of Your kingdom here on Earth and thereby unite this Nation and reveal to peoples around the world the dignity and the glory of being the free children of God. For to You be the honor, the glory and the power, now and forever. Amen.

At the request of the Honorable NANCY PELOSI, I am pleased to introduce the Reverend Stephen A. Privett, President of the University of San Francisco, for an additional prayer.

The Reverend Stephen A. Privett, President, University of San Francisco, San Francisco, California, offered the following prayer:

I recall this morning the story of a poor mother of five children. When she was asked which of her children she loved the most, she did not answer the expected, ''I love them all the same.'' Rather, she bent down and scooped up into her arms a young child with obviously crippling disabilities. ''This one,'' she said, ''because he needs me the most.''

Let us pray:

God of compassion and mercy, we pray that the new leadership of this Congress and all of its Members will write into law the story of a country that measures its success by God's standard; by how well it cares for the weakest and most vulnerable among us.

We pray for the legislators of this 110th Congress, that they may challenge, inspire and lead us to put aside self-interest and pursue the common good of all the people of this great Nation of ours, especially of those ''who need us the most.'' Amen.

PLEDGE OF ALLEGIANCE

The CLERK. The Members-elect and their guests will please remain standing and join in the Pledge of Allegiance to the flag.

The Clerk 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.

The CLERK. Members-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 109–447 for the meeting of the 110th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 110th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

Representatives-elect who have not obtained their voting ID cards may do so now in the Speaker's lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED ''PRESENT''—435

ALABAMA

Aderholt	Cramer	Rogers
Bachus	Davis	
Bonner	Everett	

ALASKA

	Young	

ARIZONA

Flake	Grijalva	Renzi
Franks	Mitchell	Shadegg
Giffords	Pastor	

ARKANSAS

Berry	Ross	
Boozman	Snyder	

CALIFORNIA

Baca	Honda	Pelosi
Becerra	Hunter	Radanovich
Berman	Issa	Rohrabacher
Bilbray	Lantos	Roybal-Allard
Bono	Lee	Royce
Calvert	Lewis	Sánchez, Linda T.
Campbell	Lofgren, Zoe	Sanchez, Loretta
Capps	Lungren, Daniel E.	Schiff
Cardoza	Matsui	Sherman
Costa	McCarthy	Solis
Davis	McKeon	Stark
Doolittle	McNerney	Tauscher
Dreier	Millender-McDonald	Thompson
Eshoo	Miller, Gary	Waters
Farr	Miller, George	Watson
Filner	Napolitano	Waxman
Gallegly	Nunes	Woolsey
Harman		
Herger		

COLORADO

DeGette	Perlmutter	Udall
Lamborn	Salazar	
Musgrave	Tancredo	

CONNECTICUT

Courtney	Larson	Shays
DeLauro	Murphy	

DELAWARE

	Castle	

FLORIDA

Bilirakis	Brown-Waite, Ginny	Crenshaw
Boyd	Buchanan	Diaz-Balart, L.
Brown, Corrine	Castor	Diaz-Balart, M.
		Feeney

Hastings
Keller
Klein
Mack
Mahoney
Meek
Mica
Miller
Putnam
Ros-Lehtinen
Stearns
Wasserman Schultz
Weldon
Wexler
Young

GEORGIA

Barrow
Bishop
Deal
Gingrey
Johnson
Kingston
Lewis
Linder
Marshall
Norwood
Price
Scott
Westmoreland

HAWAII

Abercrombie
Hirono

IDAHO

Sali
Simpson

ILLINOIS

Bean
Biggert
Costello
Davis
Emanuel
Gutierrez
Hare
Hastert
Jackson
Johnson
Kirk
LaHood
Lipinski
Manzullo
Roskam
Rush
Schakowsky
Shimkus
Weller

INDIANA

Burton
Buyer
Carson
Donnelly
Ellsworth
Hill
Pence
Souder
Visclosky

IOWA

Boswell
Braley
King
Latham
Loebsack

KANSAS

Boyda
Moore
Moran
Tiahrt

KENTUCKY

Chandler
Davis
Lewis
Rogers
Whitfield
Yarmuth

LOUISIANA

Alexander
Baker
Boustany
Jefferson
Jindal
McCrery
Melancon

MAINE

Allen
Michaud

MARYLAND

Bartlett
Cummings
Gilchrest
Hoyer
Ruppersberger
Sarbanes
Van Hollen
Wynn

MASSACHUSETTS

Capuano
Delahunt
Frank
Lynch
Markey
McGovern
Meehan
Neal
Olver
Tierney

MICHIGAN

Camp
Conyers
Dingell
Ehlers
Hoekstra
Kildee
Kilpatrick
Knollenberg
Levin
McCotter
Miller
Rogers
Stupak
Upton
Walberg

MINNESOTA

Bachmann
Ellison
Kline
McCollum
Oberstar
Peterson
Ramstad
Walz

MISSISSIPPI

Pickering
Taylor
Thompson
Wicker

MISSOURI

Akin
Blunt
Carnahan
Clay
Cleaver
Emerson
Graves
Hulshof
Skelton

MONTANA

Rehberg

NEBRASKA

Fortenberry
Smith
Terry

NEVADA

Berkley
Heller
Porter

NEW HAMPSHIRE

Hodes
Shea-Porter

NEW JERSEY

Andrews
Ferguson
Frelinghuysen
Garrett
Holt
LoBiondo
Pallone
Pascrell
Payne
Rothman
Saxton
Sires
Smith

NEW MEXICO

Pearce
Udall
Wilson

NEW YORK

Ackerman
Arcuri
Bishop
Clarke
Crowley
Engel
Fossella
Gillibrand
Hall
Higgins
Hinchey
Israel
King
Kuhl
Lowey
Maloney
McCarthy
McHugh
McNulty
Meeks
Nadler
Rangel
Reynolds
Serrano
Slaughter
Towns
Velázquez
Walsh
Weiner

NORTH CAROLINA

Butterfield
Coble
Etheridge
Foxx
Hayes
Jones
McHenry
McIntyre
Miller
Myrick
Price
Shuler
Watt

NORTH DAKOTA

Pomeroy

OHIO

Boehner
Chabot
Gillmor
Hobson
Jones
Jordan
Kaptur
Kucinich
LaTourette
Pryce
Regula
Ryan
Schmidt
Space
Sutton
Tiberi
Turner
Wilson

OKLAHOMA

Boren
Cole
Fallin
Lucas
Sullivan

OREGON

Blumenauer
DeFazio
Hooley
Walden
Wu

PENNSYLVANIA

Altmire
Brady
Carney
Dent
Doyle
English
Fattah
Gerlach
Holden
Kanjorski
Murphy, Patrick
Murphy, Tim
Murtha
Peterson
Pitts
Platts
Schwartz
Sestak
Shuster

RHODE ISLAND

Kennedy
Langevin

SOUTH CAROLINA

Barrett
Brown
Clyburn
Inglis
Spratt
Wilson

SOUTH DAKOTA

Herseth

TENNESSEE

Blackburn
Cohen
Cooper
Davis, David
Davis, Lincoln
Duncan
Gordon
Tanner
Wamp

TEXAS

Barton
Brady
Burgess
Carter
Conaway
Cuellar
Culberson
Doggett
Edwards
Gohmert
Gonzalez
Granger
Green, Al
Green, Gene
Hall
Hensarling
Hinojosa
Jackson-Lee
Johnson, E.B.
Johnson, Sam
Lampson
Marchant
McCaul
Neugebauer
Ortiz
Paul
Poe
Reyes
Rodriguez
Sessions
Smith
Thornberry

UTAH

Bishop
Cannon
Matheson

VERMONT

Welch

VIRGINIA

Boucher
Cantor
Davis, Jo Ann
Davis, Tom
Drake
Forbes
Goode
Goodlatte
Moran
Scott
Wolf

WASHINGTON

Baird
Dicks
Hastings
Inslee
Larsen
McDermott
McMorris Rodgers
Reichert
Smith

WEST VIRGINIA

Capito
Mollohan
Rahall

WISCONSIN

Baldwin
Kagen
Kind
Moore
Obey
Petri
Ryan
Sensenbrenner

WYOMING

Cubin

□ 1232

The CLERK. The quorum call discloses that 435 Representatives-elect have responded to their name. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. Credentials, regular in form, have been received showing the election of the Honorable LUIS FORTUÑO as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2005; the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the Honorable DONNA M. CHRISTENSEN as Delegate from the Virgin Islands; the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa; and the Honorable MADELEINE Z. BORDALLO as Delegate from Guam.

ELECTION OF SPEAKER

The CLERK. Pursuant to law and precedent, the next order of business is the election of the Speaker of the House of Representatives for the 110th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Clerk, as a father of three young children, I am particularly thrilled to be a part of this moment, thrilled that a generation of young girls and boys across America are about to witness another historic step in our Nation's march toward equality of opportunity. NANCY PELOSI's goal is a Congress known for its ideas, not its insults; its patriotism, not its partisanship.

Madam Clerk, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the office of the Speaker of the House of Representatives for the 110th Congress the name of the Honorable NANCY PELOSI, a Member-elect from the State of California.

The CLERK. The Clerk now recognizes the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Madam Clerk, I am pleased to put forward the name of a man who represents the best of honesty, integrity, decency, uncanny wisdom and understanding.

As chairman of the Republican Conference, I am directed by the unanimous vote of that conference to present for election to the office of Speaker of the House of Representatives for the 110th Congress the name of the Honorable JOHN A. BOEHNER from the State of Ohio.

The CLERK. The Honorable NANCY PELOSI, a Member-elect from the State of California, and the Honorable JOHN A. BOEHNER, a Member-elect from the State of Ohio, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentleman from Michigan (Mr. EHLERS), the gentlewoman from Ohio (Ms. KAPTUR), and the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The Reading Clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

Pelosi—233

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

Boehner—202

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
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
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
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
Norwood
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

□ 1344

The CLERK. The tellers agree in their tallies that the total number of votes cast is 435, of which the Honorable NANCY PELOSI of the State of California has received 233 and the Honorable JOHN A. BOEHNER of the State of Ohio has received 202.

Therefore, the Honorable NANCY PELOSI of the State of California is duly elected Speaker of the House of Representatives for the 110th Congress, having received a majority of the votes cast.

The Clerk appoints the following committee to escort the Speaker-elect to the chair:

The gentleman from Ohio (Mr. BOEHNER), the gentleman from Maryland (Mr. HOYER), the gentleman from South Carolina (Mr. CLYBURN), the gentleman from Missouri (Mr. BLUNT), the gentleman from Illinois (Mr. EMANUEL), the gentleman from Florida (Mr. PUTNAM), the gentleman from Connecticut (Mr. LARSON), the gentleman from Michigan (Mr. MCCOTTER), and the members of the California delegation: Mr. STARK, Mr. GEORGE MILLER, Mr. WAXMAN, Mr. LEWIS, Mr. DREIER, Mr. HUNTER, Mr. LANTOS, Mr. BERMAN, Mr. GALLEGLY, Mr. HERGER, Mr. ROHRABACHER, Mr. DOOLITTLE, Ms. WATERS, Mr. BECERRA, Mr. CALVERT, Ms. ESHOO, Mr. FILNER, Mr. MCKEON, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. WOOLSEY, Mr. FARR, Ms. ZOE LOFGREN, Mr. RADANOVICH, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Ms. LORETTA SANCHEZ, Mrs. TAUSCHER, Mrs. CAPPS, Mrs. BONO, Ms. LEE, Mr. GARY G. MILLER, Mrs. NAPOLITANO, Mr. THOMPSON, Mr. BACA, Ms. HARMAN, Mrs. DAVIS, Mr. HONDA, Mr. ISSA, Mr. SCHIFF, Ms. SOLIS, Ms. WATSON, Mr. CARDOZA, Mr. NUNES, Ms. LINDA T. SÁNCHEZ, Mr. DANIEL E. LUNGREN, Mr. COSTA, Ms. MATSUI, Mr. CAMPBELL, Mr. BILBRAY, Mr. MCCARTHY, and Mr. MCNERNEY.

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Sergeant at Arms announced the Speaker-elect of the House of Representatives of the 110th Congress, who was escorted to the chair by the committee of escort.

□ 1400

Mr. BOEHNER. Madam Speaker, Leader HOYER, my distinguished colleagues, welcome to you all. I would particularly like to welcome our new colleagues. It is an honor and a privilege to serve in this great institution, and I would like to thank you in advance for the sacrifices and contributions you will make to this body during your time here.

As colleagues, we owe a huge debt to those who have served before us. I would be remiss if I did not mention the enormous contributions of one of my predecessors, Gerald Ford. Former President Ford served in the House over 25 years, including 8 of those years as Republican leader from 1965 to 1973. He served his Michigan constituents and the American people with great distinction not just here in Congress, but as Vice President and as President of the United States. The thoughts and prayers of this House and those of a grateful Nation are with Betty and the Ford family.

This is an historic day. In a few moments, I will have the high privilege of handing the gavel of the House of Representatives to a woman for the first time in American history.

For more than 200 years, the leaders of our government have been democratically elected, and from their ranks our leaders have always selected a man for the responsibility and honor as serving as Speaker of the House. Always, that is, until today.

It is sometimes said the Founding Fathers would not recognize the government that exists here in Washington today. It has grown in size and scope far beyond anything they could ever have imagined, much less endorsed or advocated for our future. But today marks an occasion that I think the Founding Fathers would view approvingly. And my fellow Americans, whether you are a Republican, a Democrat, or an Independent, today is a cause for celebration.

Today also, of course, marks a change in the House majority. Twelve years ago, some of us stood proudly in this Chamber as our former colleague, Dick Gephardt from Missouri, handed the gavel to the Republican Speaker, Newt Gingrich from Georgia. There were some great achievements during those 12 years that followed, and we are fortunate that the man who was the driving force behind many of those achievements will continue to serve with us: The gentleman from Illinois, DENNY HASTERT.

There were some great achievements during those 12 years that followed; there were also some profound disappointments. If there is one lesson that stands out from our party's time in the majority, it is this: A congressional majority is simply a means to an end. The value of the majority lies not in the chance to wield great power but in the chance to use limited power to achieve great things.

We refer to the gavel that I am holding as the Speaker's gavel; but like everything else in this Chamber, it really belongs to the American people. It is on loan from the real owners. This is the people's House; this is the people's Congress. Most people in America don't care who controls it. What they want is a government that is limited, honest, accountable, and responsive to their needs; and the moment a majority forgets this lesson, it begins writing itself a ticket to minority status.

The 110th Congress will write the next chapter in American history, but the American people will dictate it.

Today, the Democrat Party assumes the challenge and opportunity of majority power in the people's House. Republicans will hold the incoming majority accountable for its promises and its actions, but we also want to work with the incoming majority for the good of our Nation that we were all elected to serve.

Fundamentally, democracy is a battle of ideas. The battle of ideas, I believe, is healthy and is important for our Nation. But it is also a battle that can take place respectfully. Republicans and Democrats can disagree without being disagreeable to each other. Sometimes what people call partisanship is really a deep disagreement over a means to a shared goal, and we should welcome that conversation, encourage it, enjoy it, and be nice about it.

It is now my privilege to present the gavel of the United States House of Representatives to the first woman Speaker in our history, the gentlewoman from California, NANCY PELOSI.

Ms. PELOSI. Thank you, Leader BOEHNER. Thank you, my colleagues. Mr. Speaker. Mr. Speakers.

I accept this gavel in the spirit of partnership, not partisanship, and I look forward to working with you, Mr. BOEHNER, and the Republicans in the Congress for the good of the American people.

After giving this gavel away in the last two Congresses, I am glad someone else has the honor today.

In this House, we may be different parties, but we serve one country, and our pride and our prayers are united behind our men and women in uniform. They are working together to protect the American people; and in this Congress, we must work together to build a future worthy of their sacrifice.

In this hour, we need and pray for the character, courage, and civility of a former Member of this House, President Ford. He healed the country when it needed healing. This is another time, another war, and another trial of American will, imagination, and spirit. Let us honor his memory not just in eulogy, but in dialogue and trust across the aisle.

I want to join Leader BOEHNER in expressing our condolences and our appreciation to Mrs. Ford and to the entire Ford family for their decades of leadership and service to our country.

With today's convening of the 110th Congress, we begin anew. I congratulate all Members of Congress on your election. I especially want to congratulate our new Members of Congress. Let's hear it for our new Members.

The genius of our Founders was that every 2 years, new Members would bring to this House their spirit of renewal and hope for the American people. This Congress is reinvigorated, new Members, by your optimism and your idealism and your commitment to our country. Let us acknowledge your families whose support have made your leadership possible today.

Each of us brings to this Congress our shared values, our commitment to the Constitution, and our personal experience. My path to Congress and to the speakership began in Baltimore where my father was the mayor. I was raised in a large family that was devoutly Catholic, deeply patriotic, very proud of our Italian-American heritage, and staunchly Democratic. My parents taught us that public service was a noble calling, and that we had a responsibility to help those in need.

□ 1415

My parents worked on the side of the angels, and now they are with them.

But I am so happy that my brother, Tommy D'Alesandro, who was also a mayor of Baltimore, is here leading the D'Alesandro family from Baltimore today. He is sitting right up there with Tony Bennett.

Forty-three years ago, Paul Pelosi and I were married. We raised our five children in San Francisco where Paul was born and raised. I want to thank Paul and our five children, Nancy Corrine, Christine, Jacqueline, Paul, Jr., and Alexandra, and our magnificent grandchildren, for their love, for their support, and the confidence they gave me to go from the kitchen to the Congress.

And I thank my constituents in San Francisco and to the State of California for the privilege of representing them in Congress. St. Francis of Assisi is our city's patron saint, and his prayer of St. Francis is our city's anthem: Lord, make me a channel of thy peace; where there is darkness may we bring light, where there is hatred may we bring love, and where there is despair, may we bring hope.

Hope, that is what America is about. And it is in that spirit that I serve in the Congress of the United States.

And today, I thank my colleagues. By electing me Speaker, you have brought us closer to the ideal of equality that is America's heritage and America's hope.

This is a historic moment, and I thank the leader for acknowledging it.

Thank you, Mr. BOEHNER. It is a historic moment for the Congress, and it is a historic moment for the women of America.

It is a moment for which we have waited for over 200 years. Never losing faith, we waited through the many years of struggle to achieve our rights. But women were not just waiting; women were working. Never losing faith, we worked to redeem the promise of America that all men and women are created equal. For our daughters and our granddaughters, today we have broken the marble ceiling. For our daughters and our granddaughters, the sky is the limit. Anything is possible for them.

The election of 2006 was a call to change, not merely to change the control of Congress, but for a new direction for our country. Nowhere were the American people more clear about the need for a new direction than in the war in Iraq.

The American people rejected an open-ended obligation to a war without end. Shortly, President Bush will address the Nation on the subject of Iraq. It is the responsibility of the President to articulate a new plan for Iraq that makes it clear to the Iraqis that they must defend their own streets and their own security, a plan that promotes stability in the region and a plan that allows us to responsibly redeploy our troops.

Let us work together to be the Congress that rebuilds our military to meet the national security challenges of the 21st century.

Let us be the Congress that strongly honors our responsibility to protect the American people from terrorism.

Let us be the Congress that never forgets our commitment to our veterans and our first responders, always honoring them as the heroes that they are.

The American people also spoke clearly for a new direction here at home. They desire a new vision, a new America built on the values that have made our country great.

Our Founders envisioned a new America driven by optimism, opportunity, and courage. So confident were they in the America that they were advancing that they put on the seal, the great seal of the United States: ''Novus ordo seclorum,'' a new order for the centuries. Centuries; they spoke of the centuries. They envisioned America as a just and good place, as a fair and efficient society, as a source of hope and opportunity for all.

This vision has sustained us for over 200 years, and it accounts for what is best in our great Nation: liberty, opportunity, and justice.

Now it is our responsibility to carry forth that vision of a new America into the 21st century. A new America that seizes the future and forges 21st-century solutions through discovery, creativity, and innovation, sustaining our economic leadership and ensuring our national security. A new America with a vibrant and strengthened middle class for whom college is affordable, health care is accessible, and retirement reliable. A new America that declares our energy independence, promotes domestic sources of renewable energy, and combats climate change. A new America that is strong, secure, and a respected leader among the community of nations.

And the American people told us they expected us to work together for fiscal responsibility, with the highest ethical standards and with civility and bipartisanship.

After years of historic deficits, this 110th Congress will commit itself to a higher standard: pay-as-you-go, no new deficit spending. Our new America will provide unlimited opportunity for future generations, not burden them with mountains of debt.

In order to achieve our new America for the 21st century, we must return this House to the American people. So our first order of business is passing the toughest congressional ethics reform in history. This new Congress doesn't have 2 years or 200 days. Let us join together in the first 100 hours to make this Congress the most honest and open Congress in history. 100 hours.

This openness requires respect for every voice in the Congress. As Thomas Jefferson said, ''Every difference of opinion is not a difference of principle.'' My colleagues elected me to be Speaker of the House, the entire House. Respectful of the vision of our Founders, the expectation of our people, and the great challenges that we face, we have an obligation to reach beyond partisanship to work for all Americans.

Let us stand together to move our country forward, seeking common ground for the common good. We have made history; now let us make progress for the American people.

May God bless our work, and may God bless America.

□ 1430

Before we move forward, because there are so many children here and so many of them asked me if they could touch the gavel, I wanted to invite as many of them who wanted to come forward to come join me up here. I know my own grandchildren will.

Let's hear it for the children. We're here for the children. For these children, our children, and for all of America's children, the House will come to order.

I am now ready to take the oath of office from the Dean of the Congress of the United States, Mr. DINGELL. In acknowledging him, I also want to acknowledge Speaker Foley who has been with us as well.

Mr. DINGELL then administered the oath of office to Ms. PELOSI of California, as follows:

Do you solemnly swear 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.

(Applause, the Members rising.)

Mr. DINGELL. Congratulations, Madam Speaker.

SWEARING IN OF MEMBERS

The SPEAKER. According to precedent, the Chair will swear in the Members-elect en masse.

PARLIAMENTARY INQUIRY

Mr. HOLT. I have a parliamentary inquiry, Madam Speaker.

The SPEAKER. The gentleman may state his inquiry.

Mr. HOLT. In light of the fact that there are nonpartisan and partisan lawsuits under way with regard to Florida's 13th Congressional District and that the votes of 18,000 voters were not recorded on the paperless electronic voting machines in an election decided by only 369 votes, may I ask for the record whether a notice of contest has been filed with the Clerk on behalf of CHRISTINE JENNINGS pursuant to law and what effect, if any, today's proceedings have on the pending contests?

The SPEAKER. The Chair is advised by the Clerk that a notice of contest pursuant to statute, section 382 of title 2, United States Code, has been filed with the Clerk. Under section 5 of article I of the Constitution and the statute, the House remains the judge of the elections of its Members. The seating of this Member-elect is entirely without prejudice to the contest over the final right to that seat that is pending under the statute and will be reviewed in the ordinary course in the Committee on House Administration.

Mr. HOLT. I thank the Speaker.

PARLIAMENTARY INQUIRY

Mr. PUTNAM. Parliamentary inquiry, Madam Speaker.

The SPEAKER. The gentleman may state his inquiry.

Mr. PUTNAM. Am I correct, Madam Speaker, that the gentleman from Florida (Mr. BUCHANAN) has been certified by the Secretary of State as duly elected from the 13th District of Florida?

The SPEAKER. The gentleman is correct.

Mr. PUTNAM. I thank the Speaker.

The SPEAKER. If the Members-elect will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them 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 Members of the 110th Congress.

MAJORITY LEADER

Mr. EMANUEL. Madam Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as majority leader the gentleman from Maryland, the Honorable STENY H. HOYER.

MINORITY LEADER

Mr. PUTNAM. Madam Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as minority leader the gentleman from Ohio, the Honorable JOHN A. BOEHNER.

MAJORITY WHIP

Mr. EMANUEL. Madam Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as majority whip the gentleman from South Carolina, the Honorable JAMES E. CLYBURN.

MINORITY WHIP

Mr. PUTNAM. Madam Speaker, as chairman of the Republican conference, I am directed by that conference to notify the House officially that the Republican Members have selected as minority whip the gentleman from Missouri, the Honorable ROY BLUNT.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER AND CHAPLAIN

Mr. LARSON of Connecticut. Madam Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Karen L. Haas of the State of Maryland, be, and is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livingood of the Commonwealth of Virginia be, and is hereby, chosen Sergeant at Arms of the House of Representatives;

That James M. Eagen, III, of the Commonwealth of Pennsylvania be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

Mr. LARSON of Connecticut. Madam Speaker, I yield to the gentleman from Florida (Mr. PUTNAM) for the purpose of offering an amendment.

Mr. PUTNAM. Madam Speaker, I have an amendment to the resolution, but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

AMENDMENT OFFERED BY MR. PUTNAM

Mr. PUTNAM. Madam Speaker, I offer an amendment to the remainder of the resolution.

The Clerk read as follows:

Amendment offered by Mr. PUTNAM:

Strike all after the resolved clause and insert:

That Paula Nowakowski of the State of Michigan be, and is hereby, chosen Clerk of the House of Representatives;

That Seth O. Webb of the Commonwealth of Massachusetts be, and is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Brian Gaston of the State of Ohio be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from Connecticut (Mr. LARSON).

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers of the House.

The officers presented themselves in the well 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.

□ 1445

NOTIFICATION TO THE SENATE

Mr. HOYER. Madam Speaker, I offer a privileged resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that Nancy Pelosi, a Representative from the State of California, has been elected Speaker; and Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Tenth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY PRESIDENT

Mr. HOYER. Madam Speaker, I offer a privileged resolution (H. Res. 3) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

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

The resolution was agreed to.

A motion to consider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Maryland (Mr. HOYER), and

The gentleman from Ohio (Mr. BOEHNER).

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. DINGELL. Madam Speaker, I offer a privileged resolution (H. Res. 4) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States

that the House of Representatives has elected Nancy Pelosi, a Representative from the State of California, Speaker; and Karen L. Haas, a citizen of the State of Maryland, Clerk of the House of Representatives of the One Hundred Tenth Congress.

The resolution was agreed to.

The motion to reconsider was laid on the table.

RULES OF THE HOUSE

Ms. SLAUGHTER. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Tenth Congress. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except as specified in sections 2 through 4 of this resolution.

SEC. 2. The question of adopting the resolution shall be divided among five parts, to wit: each of its five titles. The portion of the divided question comprising title I shall be debatable for 30 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title II shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title III shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title IV shall be debatable for 60 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. The portion of the divided question comprising title V shall be debatable for 10 minutes, equally divided and controlled by the majority leader and the minority leader or their designees. Each portion of the divided question shall be disposed of in the order stated.

SEC. 3. Pending the question of adopting the final portion of the divided question, it shall be in order to move that the House commit the resolution to a select committee with or without instructions. The previous question shall be considered as ordered on the motion to commit to its adoption without intervening motion.

SEC. 4. During consideration of House Resolution 6 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. HOYER). The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the minority leader or his designee, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution that I am calling up on this historic day, H. Res. 5, provides for the consideration of a rules package, H. Res. 6, that we hope will begin to return this Chamber to its rightful place as the home of democracy and deliberation in our great Nation.

The resolution we are now debating will allow the House to consider and vote on the Democratic rules package in five separate parts. The first title contains the rules package our Republican colleagues adopted in the 109th Congress, while the second through fifth titles contain amendments that will begin a reformation of this body that is long overdue.

I also include for the RECORD at this time a detailed summary of the changes H. Res. 6 will make to the standing House rules of the 109th Congress.

SUMMARY OF HOUSE RULES PACKAGE, OPENING DAY OF THE 110TH CONGRESS, PREPARED BY THE RULES COMMITTEE, LOUISE M. SLAUGHTER, CHAIRWOMAN-DESIGNATE

TITLE I—ADOPTION OF 109TH RULES PACKAGE

This title adopts the standing rules that were in effect in the 109th Congress. The subsequent adoption of the amendments contained in Titles II–V will then make certain changes to these rules.

TITLE II—ETHICS REFORMS

ENDING THE K STREET PROJECT

(Rule XXIII—Code of Official Conduct) Prohibits Members from threatening official retaliation against private firms that hire employees who do not share the Member's partisan political affiliation.

LOBBYIST GIFT BAN

(Rule XXV, cl. 5(a)) Prohibits Members and employees from accepting gifts from a registered lobbyist, from an agent of a foreign principal, or an entity that employs or retains these lobbyists and agents. Under the current gift rule, Members and employees may accept gifts valued less than $50 (and a total of $100 per calendar year) from these lobbyists and agents. The current gift ban exemptions in cl. 5(a)(3) still apply.

(Rule XXV, cl. 5(a)) Adds language clarifying that for the purposes of the gift rule, a ticket to a sporting event is valued either at the face value of a ticket, or at the cost of the ticket to the general public when (1) the ticket does not have a face value or (2) when the face value of the ticket does not reflect its economic value.

LOBBYIST TRAVEL RESTRICTIONS/ONE-DAY TRIPS

(Rule XXV, cl. 5(b)) Prohibits Members and employees from accepting travel reimbursements from a registered lobbyist, from an agent of a foreign country, or from an entity that employs or retains these lobbyists and agents. (Current rules already prohibit lobbyists and agents of foreign principals from reimbursing travel).

A new subsection to this rule clarifies that colleges and universities are not subject to this prohibition. Another subsection allows entities that employ lobbyists to reimburse Member and employee travel to one-day events (e.g. conventions, meetings). In general, travel to a one-day event includes an overnight stay, although the Ethics Committee may allow two-night stays in certain cases. These new restrictions take effect on March 1, 2007.

(Rule XXV, new cl. 5(c)) Adds new language stating that except in the case of trips sponsored by colleges and universities, lobbyists may only play a de minimis role in Member travel to one-day events that can be reimbursed by entities that employ lobbyists.

NEW TRAVEL AUTHORIZATION AND PUBLIC DISCLOSURE REQUIREMENTS

(Rule XXV, new cl. 5(d)) Adds language stating that prior to accepting reimbursed travel, Members and employees will be required to obtain a certification from the entity paying for the trip declaring that, except as permitted for universities and one-day travel, lobbyists did not plan, organize, request, arrange, or finance the travel. Members and employees will be required to submit this certification to the Ethics Committee and receive approval from the Ethics Committee before taking the trip. These new requirements take effect on March 1, 2007.

In connection with this new prior authorization requirement, this new rule requires Members and employees to submit their certifications, advance authorizations, and other travel disclosure materials to the Clerk of the House within 15 days after the travel is completed. The Clerk of the House must make this information available to the public as soon as possible. (Current rules allow 30 days for the submission of travel disclosures).

(Rule XXV, new cl. 5(i)) Requires the Ethics Committee to develop new standards for what constitutes a reasonable expense by a private group for Member travel. The Ethics Committee must also develop a new standard for determining that the travel has a valid connection to Members' official duties. In addition, it requires the Ethics Committee to develop a process for the submission and approval of the prior authorization requirements created in new cl. 5(d).

CORPORATE JET BAN

(Rule XXIII—Code of Official Conduct) Prohibits Members from using official, personal, or campaign funds to pay for the use of privately owned airplanes. (Members will still be able to charter commercially available airplanes.)

ETHICS TRAINING

(Rule XI, cl. 3) Requires the Ethics Committee to offer annual ethics training to Members and appropriate employees. New employees must receive this training within 60 days of beginning work in the House and other employees must certify they take the course each year.

COMMITTEE NAME CHANGES

(Rule X, cl. 1) Changes the names of the following House committees: 1) the Committee on Education and the Workforce becomes the ''Committee on Education and Labor,'' 2) the Committee on International Relations becomes the ''Committee on Foreign Affairs,'' 3) the Committee on Resources becomes the ''Committee on Natural Resources,'' 4) the Committee on Government Reform becomes the ''Committee on Oversight and Government Reform,'' and 5) the Committee on Science becomes the ''Committee on Science and Technology.''

TITLE III—CIVILITY

HOLDING VOTES OPEN

(Rule XX, cl. 2) Prohibits the Speaker from holding votes open for longer than the scheduled time for the sole purpose of changing the outcome of the vote.

CONFERENCE PROCEDURE

(Rule XXII, new cl. 12) Requires House conferees to insist that conference committees

operate in an open and fair manner and that House conferees sign the final conference papers at one time and in one place.

(Rule XXII, new cl. 13) Prohibits the consideration of a conference report that has been altered after the time it was signed by conferees.

TITLE IV—FISCAL RESPONSIBILITY

FISCAL RESPONSIBILITY

(Rule XXI, new cl. 7) Prohibits the House from considering budget resolutions or amendments to budget resolutions that contain reconciliation instructions increasing the budget deficit.

(Rule XXI, new cl. 8) Applies Budget Act rules against bills that have not been reported by committees.

(Rule XXI, new cl. 10) Prohibits the consideration of any legislation proposing direct spending or revenue changes that would increase the budget deficit within a five-year or a ten-year time frame (''Pay-as-You-Go'' point of order).

EARMARK REFORM

(Rule XXI, new cl. 9) Requires committees of jurisdiction and conference committees to publish lists of the earmarks, limited tax benefits, and limited tariff benefits contained in all reported bills, unreported bills, manager's amendments, and conference reports that come to the House floor. These lists will be electronically available to the public either through committee prints or printing in the Congressional Record. In the case of a reported bill, the single list contemplated by the rule may cross-reference other parts of the report. If a measure does not contain any earmarks, committees must publish a statement to this effect. A Member may make a point of order (similar to the unfunded mandates point of order) against the consideration of any special rule that waives this requirement.

This new clause defines an earmark as any Member-requested project that is targeted to a specific place and falls outside a formula-driven or competitive award process. Limited tax and tariff benefits are revenue provisions that would benefit 10 or fewer persons.

(Rule XXIII—Code of Official Conduct) Prohibits trading earmarks for votes and requires Members to disclose their earmark requests and certify that they and their spouses have no personal financial interest in the request.

TITLE V—MISCELLANEOUS

(Rule X, cl. 4) Gives the Committee on Oversight and Government Reform authority to adopt a rule allowing Committee Members and staff to conduct depositions in the course of Committee investigations.

(Rule XIII, cl. 3) Shields Rules Committee reports from a point of order if they are filed without a complete list of record votes taken during the consideration of a special rule. This provision allows the Rules Committee to publish recorded votes taken during Committee hearings in committee reports and/or through other means such as the Internet.

Makes a number of technical changes to the standing House rules.

Allows for the consideration of several pieces of legislation that are part of the ''First 100 Hours'' agenda if special rules for those provisions are not separately reported.

Continues the budget ''deeming'' resolution from the 2nd Session of the 109th Congress until such time as a conference report establishing a budget for the fiscal year 2008 is adopted.

Renews the standing order approved during the 109th Congress that prohibits registered lobbyists from using the Members' exercise facilities.

Mr. Speaker, I consider it to be a great honor to have a chance to address our House on the first day of the 110th Congress. That is what serving as a Representative in this body is, an honor.

There are only 435 Members of Congress chosen from a population of over 300 million. Our neighbors send us here to represent their interests and defend their needs in Washington. What they give us is their trust and the precious opportunity to improve the lives of millions here in America, and in many cases around the world. I can't think why anyone would want to squander that opportunity, Mr. Speaker; and yet this body's previous leadership seemed too often to do just that.

It should come as no surprise that just a few short weeks ago a national poll found that only 11 percent of American voters gave the outgoing Congress either a good or an excellent review. What was worse, fully 74 percent thought that most of us here are more focused on advancing our careers than we are on helping our fellow citizens.

Mr. Speaker, the history of the last several years has borne these opinions out. On the first day of the 109th Congress, we debated a new rules package, just as we are doing today. My fellow Democrats and I spoke out against that package from the beginning because we saw what it represented, a retreat from ethical conduct and an abandonment of our real responsibilities. It rendered the Ethics Committee totally powerless to meaningfully enforce the ethical standards of the House. While its most egregious elements were abandoned, it did its job, helping to pave the way to a Congress where unethical conduct would soon find a new home.

By the time Democratic leaders from both the House and Senate joined me to unveil our Honest Leadership and Open Government Act 1 year ago, a great deal of damage had already been done. We had already seen a Medicare bill that sold out America's seniors to the bottom lines of the drug companies. We had seen an energy bill that did nothing to make our Nation's energy supply more stable, but that made the balance books of billion-dollar corporations solid as a rock, even though the CEOs of some of those companies have admitted they did not want those tax cuts.

We had seen our homeland defenses imperiled and a war effort undermined by huge contracts given not to the best and the brightest, but to the most well-connected. Real, meaningful oversight of those contracts never seemed to make it to the agenda. In one of the most embarrassing series of revelations in our Nation's history, we had seen top legislators bought and sold for their allegiance, traded for gifts, trips, and parties, all worth so much less than the faith the American people had freely given to them and which they had, by the end, lost.

But as I said at the time, the lobbyists who gave those gifts and paid for those trips and hosted those parties, those lobbyists could only knock on the doors of Congress. Members of Congress, the ones inside, were the ones who let them in.

The culture of the last Congress came to be defined by a phrase now common to America throughout the country: it was a ''culture of corruption.'' Two months ago, the American people decided they had paid nearly enough for that kind of leadership. They had sacrificed enough peace of mind, lost enough hope, had their well-being imperiled far too many times. They stated loud and clear that they were ready for a new culture to take hold in Washington, a culture of commitment.

That is what my fellow Democrats and I are pledging to bring to this body today, a commitment to the citizens who elected us, a commitment to their needs, a commitment to their security, and a commitment to their future. It may seem like a tall order, but we are already well on the way. We have a new set of leaders here, Democrats who understand the value of trust that has been placed in them.

Together we are going to usher in nothing less than a new way of doing business in the House. While the necessary cultural shift is already under way, a new legislative framework is needed as well. We need rules in the House that will keep the body focused on the well-being of the American people, in other words, keep us focused on our job; and that is the framework that we begin to lay out today.

The political process by which bills are written and voted on often seems arcane. It certainly receives little of the focus given to so much else that goes on in Washington. Yet it is at the very heart of what we do here. A broken political process undermines the Democratic principles the House was built on, and it serves as a gateway to a corrupted Congress.

By contrast, a responsible process acts as a powerful check against the abuses and misuses of power so common in recent years. In so many ways our Founding Fathers were visionaries. The rules that Thomas Jefferson first wrote down two centuries ago provide for order and discipline in the House. They provide for transparency and accountability. If they are followed, corruption will be exposed before it has a chance to take root.

Democrats are going to follow the long-established rules of the House, instead of treating them as impediments to be avoided. We are going to allow Members to read bills before voting on them and prevent them from being altered at the last minute.

We are not going to hold open votes for hours on end while arms are twisted and favors are traded. We are going to conduct business whenever possible during normal hours, instead of in the dead of night. We are going to be open about the schedule we keep. In short, we are going to restore basic civility to this body, and never again will any Member of the Congress have to fight to find out where the conference to which he or she has been appointed is meeting.

But we are going to do more. While the rules package of the 109th Congress effectively embraced corrupt practices, this package stamps them out. Today and tomorrow we are introducing a series of critical new rules, legislation that will help guarantee that the unethical practices of the past will have no place in our future.

Gifts and lobbyist-sponsored travel are banned by this rules package. They have been used to grant select groups of people unfettered access to Members of Congress. They have no place in this new Congress. The rules package will finally shed light on an earmarking process that has greased the wheels of corrupt House machinery. It requires the full disclosure of earmarks on all bills and conference reports before Members are asked to vote on them.

If a Member is convinced that a project is worth a Federal earmark, they should have no problem attaching their name to that funding if the project is sound and they have nothing to hide. This package will make real fiscal responsibility a fundamental principle of the House, not a rhetorical one. It will prohibit the consideration of any legislation that would increase budget deficits without offsets.

Democrats are joined by so many Republicans in believing that it is immoral to pass on the question of debt to our children and grandchildren.

□ 1500

Enough is enough. No more deficit spending.

Mr. Speaker, and my friends on both sides of the aisle, I know I am joined by my fellow Democrats as well as many Republicans when I say that I want a Congress that America can be proud of again.

I am tired of having to tell my grandchildren and school children in my district that what they have learned in school about the ideals and practices of a democracy isn't true anymore, and what they have learned about how a bill is passed no longer stands here.

It is long past time that this House started living up to those ideas and practices; that they started putting honesty, and integrity, transparency and accountability ahead of everything else.

We must rededicate the People's House to the needs of its citizens. We must return the keys of the government and this democracy to the citizens whom they belong.

This body was created to serve as the battleground of ideas, not of checkbooks or back-room deals or deceptions. It was created to serve the people of the United States.

Today, the men and women of America have given us a very special gift. We have the ability to leave our mark on the future of our Nation. It is the only gift Members of Congress should ask for, and one we must cherish for the good of all. Let us begin.

Mr. Speaker, I would like to take this opportunity to reaffirm the jurisdiction of the Committee on Small Business as contained in House Rule X, clause 1(p). The Committee's jurisdiction includes the Small Business Administration and its programs, as well as small business matters related to the Regulatory Flexibility Act and the Paperwork Reduction Act. Its jurisdiction under House Rule X, clause 1(p) also includes other programs and initiatives that address small businesses outside of the confines of those Acts.

This reaffirmation of the jurisdiction of the Committee on Small Business will enable the House to ensure that it is properly considering the consequences of its actions related to small business.

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

Mr. DREIER. Mr. Speaker, I rise as the designee of the Republican leader.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, we have spent a great deal of time this afternoon focusing on the fact that we have the first female Speaker of the United States House of Representatives in our Nation's history. And I think it is also very important for us to note today that we have the first female Chair of the House Rules Committee in my good friend, Ms. SLAUGHTER, and I would like everyone to join in extending congratulations to Ms. SLAUGHTER.

Now, let me say, Mr. Speaker, that I look forward to working in a bipartisan way in the spirit that was outlined by Speaker PELOSI, and I, of course, will treat the new Chair of the Rules Committee with the dignity that she deserves.

I will say, Mr. Speaker, that I do rise with mixed emotions today. I was very proud to join with you as we came down the center aisle escorting the new Speaker of the House, my fellow Californian. And I am very pleased that we have the first woman, the first Californian, and the first Italian American as Speaker of the House of Representatives.

I have mixed emotions because, while I am very, very proud of Speaker PELOSI, and the new Rules Chair, Ms. SLAUGHTER, and others who are assuming leadership positions, I also am very disappointed.

I am disappointed as I look at this package that we are about to consider, because I do join with you, Mr. Speaker pro tempore, the distinguished majority leader, and Speaker PELOSI, as we have discussed privately and publicly, in our quest, and I think Speaker PELOSI put it extraordinarily well, focusing on the priorities that we have. We are, first and foremost, Americans. We are here to do the people's business and they sent a very strong message last November, and I believe we have an opportunity to do just that.

I will say that I remember very well the opening days of the 104th Congress, 12 years ago. I remember the very heady feeling that came from knowing that, for the first time, at that juncture, in almost half a century, we Republicans were in the majority of the House of Representatives, and we were going to do all that we had promised the American people.

We were that optimistic, quite frankly, because we didn't know any better. None of us had ever served in the majority and we were blissfully unaware of the pressures and problems associated with trying to govern this institution.

During the 109th Congress, the Democratic Caucus, many of whom actually served in the majority before 1995, made a lot of promises about how they would run this place if they ever achieved the majority again. Of course, they, unlike Republicans in 1994, had the experience of having run this place, having served in the majority. And I have a great deal of admiration for my colleagues, because they know exactly what they are facing. Knowing that, knowing exactly what they would face in the majority, they made a commitment to minority rights, should they regain the majority.

And that, Mr. Speaker, is why I said I am disappointed. The resolutions before us bear very little resemblance to the rhetoric on this floor and on the campaign trail. The much ballyhooed commitment to minority rights is virtually nonexistent in the measures before us today. They undermine minority rights that were constantly guaranteed when we were in the majority. The rights of the minority are undermined. Their promises are for a delivery date at some later point, if we agree to be cooperative, according to one Member on the other side of the aisle. And we have, as an IOU now, a wink and a nod and a gentle ''trust us.''

Mr. Speaker, trust is something that is in short supply in this House, and the actions of the incoming majority are, based on the package that has been brought before us early last evening, certainly less than 24 hours before we are considering it here on the House floor, are not doing a lot to bolster our reserves when it comes to the issue of trust. Despite an oft repeated commitment to provide Members with, as I said, at least 24 hours to review legislation before voting on the floor,

we received this package at 6:15 last night, 6:15 only after that package was delivered to our friends up in the press gallery.

Now, Mr. Speaker, despite Speaker PELOSI's principle that we need to return to regular order for legislation, including a full committee process of hearings and markups and, I quote Ms. PELOSI here when she said we need an ''open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.''

Now, we, in spite of that great directive that came forward, we have a rules package that actually self-executes closed rules for bills that haven't even been introduced, and won't even be going through the committee process. The section of the package that includes those closed rules is debatable for just 10 minutes. This is the polar opposite, the polar opposite of how the Republicans opened the 104th Congress, when our priorities were considered in regular order and under an open amendment process.

Mr. Speaker, also providing a stark contrast is the fact that we put in place, from day one, a guaranteed bite at the apple for the minority in the form of a motion to recommit. We felt so strongly about the fact that when we were in the minority we were denied that chance. So that is why at the beginning of the 104th Congress we put into place that guarantee for the minority.

But I must remind my Democratic colleagues on the Rules Committee that, time and time again, they have made clear their view that the motion to recommit is an insufficient opportunity to articulate their alternative. That argument was propounded constantly as we were dealing with public policy questions. So you can imagine how surprised I was when the Speaker recently replied to a reporter's question about Republican alternatives to the Democratic priorities by saying, ''They'll have a motion to recommit.''

Even worse than five closed rules, Mr. Speaker, is the rollback of one of the most essential elements of transparency that Republicans put into place back at the beginning of the 104th Congress; that is, the right to know how a member of a committee votes on legislation.

Mr. Speaker, this rules package exempts the Committee on Rules from the requirement to publish the votes of its members on its committee reports, something required of every other committee except the Ethics Committee.

Now, in my 12 years as a member of the Rules Committee majority, we took more than 1,300 votes in committee, every single one of which was accurately reported in the committee's report.

Mr. Speaker, at best, this is a solution in search of a problem. At worst, it is an attempt to shield the Rules Committee from the public scrutiny of its actions.

We were told by the distinguished Chair of the Rules Committee that ethics reform and rules reform were not just election year issues for Democrats. Now, Mr. Speaker, sadly, this document says something quite different than that. Promises were made, and they are not being kept. That is the thing that I find to be most troubling. We intend to explain the many inconsistencies for the record and as the debate moves forward.

At the same time, Mr. Speaker, we want to work with our democratic colleagues. Even with this treatment of minority rights, we stand here determined to work in a bipartisan way to confront the challenges that we all know face this country. Unfortunately, this rules package shuts us out from the start. It is my hope that the promises made will, indeed, be kept. But, Mr. Speaker, this package does not inspire a great deal of hope in that they in any way will.

And so, Mr. Speaker, I rise with a great deal of disappointment and a great deal of concern about the first actions that we are taking here.

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

Ms. SLAUGHTER. Mr. Speaker, I would like to yield myself about 30 seconds, 45 perhaps, just to respond for a moment, to remind my friend that what we are voting on is the Republican package of the last term. If it was so bad, we thought it was pretty bad then as well, but we will have time to debate all these things. We will have open debate. And what we have said about fairness is what we are dedicated to do.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, before I yield to the next speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 5 and H. Res. 6.

The SPEAKER pro tempore (Mr. CLYBURN). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I am pleased, for the purpose of debate only, to yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, on this historic day, the sun is shining brightly in Washington outside and today, finally it is shining inside this great Capitol building.

Normally, a New Year's resolution is a list you write for yourself. But the ethics package that we Democrats are now adopting was written by the American people at the ballot box in November. This January resolution is possible only because of the November revolution by voters who were, quite frankly, revolted by what they saw going on here in Washington.

Under Democratic leadership, ''Spring Cleaning'' is getting an early start here in January. We ban lobbyists-sponsored junkets and gifts and the use of corporate jets from jet-setting lobbyists like the tobacco company that even took one Member of Congress on a special flight to his criminal arraignment.

In Congress, an earmark too often is a secret means for a Member to funnel Federal dollars to special projects. Some are worthwhile, some are dubious.

When I talk about earmarks to my rancher friends down in Texas, they have a different earmark in mind. It is the mark you put on an ear of your cattle to identify them. By their very nature, earmarks are public, designed to identify ownership. I think we need some of that Texas thinking here in Washington. If earmarks can identify a steer, we are now able, through this new package, to know who is ''steering'' earmarks of federal tax dollars to some unworthy cause.

Ethics reform, of course, is not an end in and of itself. The goal of reform is to improve the substance of the work that we do here. It is to ensure that the priorities in Washington are genuinely the priorities of hard working families in San Marcos, Bastrop, Kyle, and many other communities across our country.

Because fiscal security is national security, we are also working to cut the ballooning federal deficit with pay-as-you-go budgeting; barring new spending provisions or tax changes that would increase our soaring national debt.

Our reforms seek to curb the cost of corruption. It is a cost that has been borne in the pocketbooks of our seniors who pay too much for drugs because of a drug bill that was designed by the pharmaceutical manufacturers, instead of designed to help those who needed help most.

It is the cost of corruption that is reflected in no-bid contracts in Iraq and in the aftermath of the Hurricane Katrina debacle. And it is reflected in the price that the jobless, the homeless, and the hopeless are paying for the corruption within this administration.

Mr. Speaker, accountability, so long lacking from this administration and the House leadership begins today.

□ 1515

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to my very distinguished colleague on the Rules Committee, Mr. LINCOLN DIAZ-BALART from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my dear friend, and, Mr. Speaker, I was very pleased that my friend and dear chairman of the Rules Committee, Ms. SLAUGHTER, pointed out as she spoke, I heard her

speak that most of the ethics package was precisely the one that we had proposed last year. What is very disturbing, however, and really disappointing, Mr. Speaker, are a number of the items that have been included that Mr. DREIER referred to previously.

It is extremely disappointing to see that one of the great advancements of this Congress over the last two centuries, which has been to bring a transparency to our votes, because you know, Mr. Speaker, it used to be even on the floor of the House votes would take place that were not roll call votes, they were not noted for the record and, thus, for the people; yet we moved forward and we changed that. And also in committee, votes had to be recorded. That has been one of the great advancements in the last two centuries in this Congress.

And to see in the Committee on Rules, that I love so much, where we now in this rules package are faced with such a reversal of that progress and that great advancement of openness and transparency on the record, the requirement that the people will be able to see how the members of that committee vote, that has been eliminated, is being eliminated in this package, that is extremely disturbing. And everyone, Mr. Speaker, who loves this Congress should be saddened by what our friends on the other side of the aisle have included, specifically what I have just mentioned, that great reversal of progress in the rules package that has been brought forward today.

So in the hope that that will be remedied and that our friends on the other side of the aisle will realize how sad that is, I rise today with great disappointment.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 2½ minutes to the gentlewoman from Florida (Ms. CASTOR), one of our brilliant freshmen and a new member of the Rules Committee.

Ms. CASTOR. Mr. Speaker, I am pleased to offer, along with my distinguished fellow Floridian, and the new rules chairwoman, Ms. SLAUGHTER, an ethics champion in her own right, this legislation extending the rules of the 109th Congress, with ethics reforms to follow in the 110th Congress. These rules will serve as a baseline for the rules of the 110th Congress, and then we shall add the needed ethics reforms, fiscal responsibility reforms, and rules on civility.

After recent tumultuous events, we can all agree that our neighbors back home expect the highest ethical standards from the Members of Congress, the people's House. This rules package includes some of the very good rules changes made in the 109th Congress, including the end of proxy voting in committees and the emergency power granted to the Speaker to recess the House and convene in another location in the case of a terrorist incident. But our Democratic package goes further, instituting ethics reforms that prohibit Members from accepting gifts from registered lobbyists, restricting Members' travel on corporate airplanes, and offering ethics training to Members and staff.

I come to the House from local government; and like many of my reform-minded freshmen colleagues, I championed ethics reform on the local level, particularly in the Tampa Bay area, where it was needed in the inner workings of county government. Well, it is needed here in the Halls of Congress now more than ever.

The new rules will include a fair and open process for the Congress: no holding open votes to change the outcome and clear guidelines for the operation of conference committees and final conference committee reports. Provisions for more stringent fiscal responsibility and pay-as-you-go budgeting requirements ultimately will aid our neighbors back home in reducing their own debt load while the Federal Government begins to do its part to ease the financial crunch so many of us feel across the country.

The proposed transparency in the earmark process and the additional requirement that Members certify that neither their spouses nor their relatives will have any personal financial interest in an earmark request will show and assure our neighbors back home that Congress is indeed operating in a way that best serves the needs and interests of every American.

I am humble and proud to be part of this new historic Congress and am glad to stand in support of the ethics reform package led by Ms. PELOSI for high ethical standards in government.

Mr. DREIER. Mr. Speaker, I want to first congratulate Ms. CASTOR and certainly welcome her to the Rules Committee and look forward to serving with her.

PARLIAMENTARY INQUIRY

Mr. DREIER. I have a parliamentary inquiry, Mr. Speaker.

My parliamentary inquiry is, may I ask of the Chair exactly what it is we are debating and considering at this point. The Chair of the Rules Committee stood up and said, after I gave my opening remarks, that we were in the midst of a debate on the last year's rules package. I was wondering if the Chair might enlighten us as to exactly what it is that we are considering.

The SPEAKER pro tempore (Mr. CLYBURN). Pending is House Resolution 5, proposing a special order of business for consideration of House Resolution 6, adopting the Rules of the House for the One Hundred Tenth Congress.

Mr. DREIER. For the consideration of the rules package for the 110th Congress, am I correct?

The SPEAKER pro tempore. That is correct.

Mr. DREIER. Thank you very much for that clarification, Mr. Speaker.

Mr. Speaker, at this time I am very happy to yield 2 minutes to the very distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank my colleague for yielding, and I want to commend the ranking member of the Rules Committee and the former chairman for his comments because I think they bring some truth and veracity to this discussion.

I am truly pleased to join my colleagues here who are interested in good government, responsive government, but accountable government. And as a matter of principle, as a matter of principle we believe it is imperative that elected officials be held accountable for what they say and what they do.

Now, while on the campaign trail, Democrats made the promise over and over again that they wanted to have the most open and fair government in history. In fact, the new Speaker said herself, ''More than 2 years ago, I first sent Speaker HASTERT proposals to restore civility in Congress. I reiterate my support for these proposals today. We must restore bipartisanship to the administration of the House, reestablish regular order for considering legislation, and ensure the rights of the minority, whichever party is in the minority. The voice of every American has the right to be heard.''

And she is right. But far from regular order is what we are dealing with here. There are a couple of items I want to present. We have heard that these issues to be dealt with over the next 100 hours of debate have already been vetted, already been through committee. In fact, the freshmen, who are at least 39-strong Democrats, have not had any opportunity. So there is no regular order there.

We also note that in the rules package under Democrat control, the Rules Committee would become anything but transparent, being that the votes that are required or will take place in the Rules Committee will not be available to the public. I do not think that is what the American people voted on when they voted in November.

A minority bill of rights is what we will propose in our previous question amendment motion, and it is that kind of common sense and that kind of accountability and fairness that Americans expect and that we are asking for. Hearings, amendments to bills, 24 hours' notice, it is that kind of thing we need because it is that process that ensures that the House will work for all Americans to decrease taxes and to make certain our security is maintained in solving the health care challenges that we have.

Mr. Speaker, it appears that promises made on the campaign trail are going to be promises broken in the majority.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on this.

I am pleased, Mr. Speaker, that we are acting quickly in this Congress on the unfinished business from the last Congress. In short order we will be dealing with things like implementing the 9/11 Commission recommendations, we will have a clean, up-or-down vote on the minimum wage unchanged after 10 years, and we will be able to deal with promoting stem cell research and cutting interest rates on student loans. Again, this is getting past the unfinished business left over from the last Congress.

I am pleased that today, unlike how we started the last Congress, we are not beginning by watering down the ethics rules or making it more difficult for the minority.

I believe very strongly in the commitment that our caucus has made. Our leadership has articulated that we are not going to treat the Republican minority the way that we were treated. I think it is going to be very important, Mr. Speaker, that we deal with the spirit with which these rules are enforced. And I am absolutely certain that you will find that the people on the Democratic side of the aisle are going to make sure that the spirit is enforced to make sure that voting machines are not kept open for hours in the middle of the night; making sure that our commitment to have functioning conference committees, where Republicans will be invited to attend conference committees, know when they are there, be able to sign off on them, and not have things parachuted in in the middle of the night in back rooms that nobody had seen; There will be no effort to have the notorious K Street Project turn the business lobby into a partisan tool.

Most important, I am interested in our progress to maintain and enhance civil discourse on this floor. I look forward to a bipartisan effort on an ethics panel that would be independent enforcement and that issue will be reported back to Congress by March 15. I am interested in working on a bipartisan basis to establish this independent mechanism for ethics oversight.

The rules we are adopting today and that we will be refining are an important first step to realize the promise of the new Congress. Most important will be the spirit. And I, for one, pledge myself to work with Rules Committee members on both sides of the aisle to make sure that that spirit is maintained.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 2 minutes to the very distinguished gentleman from Cherryville, North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I want to thank my colleague from California for that warm introduction.

Today was a historic day for the House of Representatives: A new Speaker, a new majority, and, in their words, a new time in Washington. To use the new Speaker's words, this is about respect for every voice, to work for every American, to seek common ground for the common good.

Those are high words and high values that we should seek here in the House of Representatives that all Americans desire in their government. And as a key part of what the Democrats campaigned on in the 2006 election, one of the key tenets was open and honest bipartisan governance. But their first act on this House floor is to push down the throats of this institution a closed rule that closes off debate, that disallows dissenting voices, that simply waves off that open, fair, and honest process.

To that end, I urge my colleagues to defeat the previous question. And if we defeat the previous question, I will be able to offer this minority bill of rights, the Pelosi minority bill of rights. To use the words of the new Speaker, the minority bill of rights includes guidelines for bipartisan administration of the House and for the regular Democratic order for legislation. The principles are fair and will provide for the full and open debate that the American people expect and deserve. Now, those are not my words. Those are the words of the new Speaker. Then-Minority Leader PELOSI wrote those words in June of 2004.

Now, while the new Speaker and I may not agree on much in terms of policy, tax policy, or the policy on national defense, I think we have the same values when it comes to fair and open and honest legislative debate. And to that end I sought to outline her principles and put them into the minority bill of rights. So let us defeat the previous question so that we can vote on this minority bill of rights, the Pelosi bill of rights.

□ 1530

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlelady for yielding.

Mr. Speaker, I rise in support of H. Res. 5, to provide for the rules package of the 110th Congress. I am proud that the first act of this new Congress is to pass long-overdue ethics and lobbying reform.

Today, we end the era of Jack Abramoff and Tom DeLay, when the levers of government were used less to help American families and more to reward monied special interests. Today, we take a major step to restoring Americans' trust in the legislative branch of government.

We will ban gifts from lobbyists, trips funded by lobbyists, and the use of company planes. We will shut down the K Street Project. We will force Members of Congress to take responsibility for their earmarks. And we will ban arm-twisting for votes.

The need for reform is obvious. The alliance between the previous leadership and K Street lobbyists came at a disastrous cost for democracy, decency, and the public interest. The best example is the industry-written Medicare D prescription drug bill passed in the middle of the night. The majority leadership held the vote open for 3 hours as they twisted arms and levied threats. Thousands of Maine seniors can see today that the program was designed to serve the insurance and pharmaceutical interests more than the people on Medicare.

I am pleased that the ethics package includes reforms that Congressmen DAVID OBEY, BARNEY FRANK, DAVID PRICE, and I introduced 1 year ago. I thank Chairwoman SLAUGHTER and Speaker PELOSI for incorporating our ideas, simple ideas, like ensuring that we all have time to read bills before they are voted on.

H. Res. 6 will restore the people's voice to the people's House. Every American family will benefit by legislation that is advanced in an open and transparent manner, rather than written by lobbyists behind closed doors.

I urge the adoption of this resolution and the entire Democratic rules and ethics reform package.

Mr. DREIER. Madam Speaker, may I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore (Ms. ESHOO). The gentleman from California has 14½ minutes remaining and the gentlelady from New York has 11 minutes remaining.

Mr. DREIER. Madam Speaker, at this juncture I am very pleased to yield 2 minutes to a very, very hardworking Member of the House, the Chair of the Republican Study Committee, the gentleman from Dallas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, I thank the gentleman from California for yielding.

Madam Speaker, I rise today, and, unfortunately, I have to oppose this particular rules package.

I listened very carefully to our new Speaker when she spoke of fairness, and yet I see that the minority is not being given the opportunity to offer amendments to this particular package when it comes to the floor. We are being asked to vote on things we don't even know what they are about, something that, Madam Speaker, your party complained of when you were in the minority.

But I specifically am disturbed by what I see in supposedly the fiscal responsibility portion that this rule

package would allow. I heard our new Speaker talk about how important it was to bring PAYGO to the floor of the House; and I agree, it is a great concept.

Unfortunately, what is being offered, where the minority doesn't have an opportunity to amend, is really false advertising, because what we have, Madam Speaker, is, number one, this concept called baseline budgeting, where these programs are going to grow automatically in what we call discretionary spending, and yet this PAYGO doesn't apply to this. Anything that the majority writes into the budget resolution again is exempted from PAYGO. All of the entitlement spending, a majority of the spending, which could bankrupt our children and our grandchildren, once again is exempt.

What is covered, Madam Speaker? It is hard to find. But anything that is, then the majority has 5 to 10 years apparently to put off the costs, and somehow we are supposed to be convinced in 5 to 10 years they are actually going to pay for it.

Again, this is false advertising. This isn't PAYGO; this is TAXGO. All this is is a subterfuge to make sure that hardworking American families are denied the tax relief that the Republicans and President Bush brought, the tax relief that created 6 million new jobs, that created the highest rate of homeownership in the history of our country, that helped deficits fall, that ensured that real wages came up. That is why we need to oppose this rule, Madam Speaker.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Madam Speaker, I thank the gentlelady for yielding me time.

Madam Speaker, this is a historic day in this House: the first woman ever elected Speaker; the first woman, LOUISE SLAUGHTER, to be chairman of the powerful Rules Committee. In addition to that, Ms. SLAUGHTER and Speaker PELOSI have put together a package that is indeed a historic, comprehensive ethics package that deserves the support of each and every Member of this body.

In the last Congress, we saw egregious abuses of power by Members of Congress and lobbyists. These abuses tarnished the image of this great institution and caused Americans to lose faith with their government. In the face of these scandals, America had its midterm election and the American people decided decisively to put a new party in charge here in the House of Representatives. They sent a message loud and clear that it was time to clean up the Congress, and in fact exit polls showed that nearly 92 percent of the voters were concerned with the ethical cloud hanging over Washington.

What did they ask for? They asked for honest leadership and open government, and this package presented today by Ms. SLAUGHTER, Ms. PELOSI and the leadership is the most significant, comprehensive ethics reform that has ever been presented on the first day of an opening of this Congress.

This is a rules package that cuts the ties to the old culture of corruption and in its place creates a new culture of disclosure, of accountability, and of oversight. Starting today, there will be no more lobbyist-funded junkets or vacations; starting today, no more corporate jets, where Members of Congress can be flown to their indictment arraignment; starting today, no more lobbyist-paid gifts; beginning today, no more K Street Projects. All of this is over with the passage of this package.

I have heard the other side say they had no idea what this party was going to come up with for a rules package. We have been talking for quite some time about the efforts to reform this institution, to get transparency in earmarks, to have an institution where lobbyists can't fund vacations. Now if a Member wants to take a trip, it has to be approved in advance by the Ethics Committee.

As a matter of fact, nearly every public interest group in America that has been fighting for reform over the last decade has stepped up to the plate to say this package is the most significant reform of ethics rules that we have had in a generation.

So the time has come for Democrats and Republicans to join together to pass this comprehensive ethics reform package, because the American people demanded it in the last election, and Speaker PELOSI and the new leadership in this House are delivering on that request.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 2 minutes to the very distinguished gentleman from Marietta, Georgia (Mr. GINGREY), a hardworking former member of the Rules Committee.

Mr. GINGREY. Madam Speaker, I thank the gentleman, the former chairman of the Rules Committee, my colleague from California, and also congratulate the new chairman of the Rules Committee, our friend from New York (Ms. SLAUGHTER).

I just want to point out to the gentleman from Massachusetts, the gentleman that just spoke, this ethics reform package, which we are not opposed to in the totality of it, but many, if not most of these provisions, Madam Speaker, were a part of H.R. 4975, the Republican ethics reform package which we passed in this House in May of this past year with only eight, count them, Madam Speaker, eight votes from the other side. There was total opposition to everything that we wanted to do in regard to ethics reform.

I will remind my colleagues in regard to the so-called K Street Project, that very provision, that is, Members not being able to put pressure on companies in regard to hiring practices, in regard to granting of any legislative favors, was part of that package. But yet our colleagues in the majority party now want to come forward and say ''the K Street Project.''

Now, where is the sense of fairness and fair play and bipartisanship in sticking it in the eye of the new minority, when we tried to change that very thing that they voted against?

I would say furthermore in regard to this overall package of rules, what is this business about not holding a vote open for the sole purpose of changing a vote? If that is in fact a good policy, not being able to do that, and I tend to agree with the new majority that we shouldn't be able to break people's arms with favors for earmarks or special committee assignments which may not be appropriate, then why use the word ''sole?'' Putting in ''sole purpose'' would allow them or anybody to lock a Member in the bathroom and say we are holding the vote open because they are stuck in traffic. So I would suggest let's eliminate ''sole'' and say for the purpose of pressuring a Member to change their vote against their will.

Last and not least, and maybe the chairman of the Rules Committee, Ms. SLAUGHTER, can address this point of this unbelievable idea that members of the Rules Committee, the new members, maybe to protect the freshman members, are not allowed to have a roll call vote in the light of day.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON), and we welcome you home.

Mr. LAMPSON. Madam Speaker, I thank the gentlelady for yielding time.

I am awfully proud to be standing here again in the midst of this distinguished body representing the people of the 22nd Congressional District of Texas.

A wave of change rushed across America since I left office, a wave that carried me back here to Washington, D.C., and I couldn't be prouder to vote today on the very first day of the 110th Congress to reform the rules and code of ethics by which this body operates; rules that were abused and tore Texas and this country apart, and a code of ethics that was disregarded and caused the American people to lose confidence in us, their representatives. We can't afford to wait another day to restore the trust and hope to those who sent us here to represent them.

It is not about moving to the left or to the right, but about moving this country forward. And now is the time to start working together by reaching across the aisle that we allow to divide us. It is time to conduct the people's business openly and honestly in the light of day.

I urge all of you, my distinguished colleagues, to join together in supporting these vital reforms. This is the first step toward restoring pride in our democracy, and that means restoring fiscal responsibility. Passing our massive debt on to our kids and grandkids is not a legacy we want to leave. Those who elect us are our employers, and we must be diligent in spending their hard-earned money which they entrust to us.

The number of earmarks alone increased nearly 400 percent and spending doubled over the last decade. We must all make an effort, Republicans and Democrats alike, to trim the fat from the budget. We can once again have a balanced budget, fund important initiatives and be diligent in our oversight of agencies of government, all without raising taxes.

I am proud to cast one of my first votes in the 110th Congress in favor of pay-as-you-go rules and aggressive reform of the earmark process so that we can return to a government truly of, by, and for the people.

I am honored to be back in this Chamber. I am proud that this Congress is starting off on the right foot with the best interests of every American on our minds, and I am proud to ask all of my colleagues to support this significant package of rules, H. Res. 5 and 6.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 2 minutes to our very distinguished chief deputy whip, my good friend from Richmond (Mr. CANTOR).

Mr. CANTOR. Madam Speaker, I thank the gentleman.

Madam Speaker, first of all I would like to congratulate the gentlelady from California on her election as Speaker and look forward to serving with her.

I just ran into a reporter on the outside of the Chamber who asked me about the tone of debate and what I thought the tone would be going forward. I agree with Leader BOEHNER when he spoke in this Chamber just a little bit earlier about the fact that we can debate, we can differ in a nice way, and I think that is what the American people expect.

□ 1545

But they also expect rigorous debate here on the floor of the House. I am asking my colleagues to reject the previous question. Because if we look at the message from this election, the American people spoke out: They want change. They want us to change the way that Washington does business. And in fact, a little less than 2 years ago, then Minority Leader PELOSI saw fit to send a letter to the former Speaker HASTERT spelling out the way that she thought this House should run, how we should change, a prescription to correct the so-called ills that my friend from Massachusetts mentioned earlier of the 109th Congress. So if we defeat the previous question, we in the House will be allowed to bring up what has been called the minority bill of rights, and this again was the recipe for change that then minority Leader PELOSI saw fit that was the right prescription for the ills that affected this institution or allegedly affected this institution.

So it just doesn't make sense for us to be here today and somehow in spirit of bipartisanship, transparency, civility, to be going back on that pledge to honor the rights of all Americans so that we can have an open debate in this House. It doesn't make sense to follow the adage, ''Do as I say, not as I do.''

So I would urge my colleagues to defeat the previous question, allow there to be light, allow there to be transparency, not just after we pass the first 100 hours of this Congress.

Ms. SLAUGHTER. Madam Speaker, I yield myself 45 seconds.

I understand your pain, I understand the hurt, and I understand that you are not really sure that we are going to be fair and honest. But if you look back on the 40 years here before, and I remember on the Rules Committee, that when a bill was coming up to rules, always the chairman and the ranking member came together. They worked together on everything. If it was an oversight committee, I recall that both the chair and the ranking member signed the subpoenas. There was such a series of cooperation we have never, as far as I know, dealt with retribution or underhandedness or hatefulness.

We know we have an awful lot of work to do. We have got a country to save; we have got a reputation to try to get back in the world; we have got the worst deficit we have ever seen; and, we have got to do something about a war. Let me pledge to you, we have no time for vindication or revenge, and it would be so nice if all the Members in this vote for a change would roll in the same direction.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. I yield myself such time as I may consume to respond that I never used the words ''pain,'' I never said ''hurt.'' I said ''disappointment.'' I said disappointment, Madam Speaker, because I am very disappointed.

I will tell you this: I am prepared at this moment to take my three Republican colleagues and go right upstairs to the Rules Committee and go to work at this moment so that we don't have closed rules in the opening day rules package for consideration of measures that have not gone through the committee process and have not had any opportunity to even have our amendments denied in the Rules Committee.

Ms. SLAUGHTER. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. I simply want to say there is no point going up to Rules. The Rules Committee has not been constituted yet. This is being brought under privileged communication.

Mr. DREIER. Let me just say, we are prepared at this moment, Madam Speaker, we will send a resolution right now so the Rules Committee can begin meeting upstairs.

Madam Speaker, I yield 2 minutes to my friend from Nebraska (Mr. TERRY).

Mr. TERRY. Madam Speaker, I too am deeply disappointed today. I think part of the message from the electorate was that they want us to work together, that they want us to cooperate for the greater good. And, yes, that people were, at least in Nebraska, very upset with the examples of those who violated the public's trust.

We need to work together on an ethics plan. I am pleased that in this rule there are ethics measures that, by the way, the Republicans helped put together many months ago in reaction to the ethics violations we have seen from some of our colleagues.

So, as the people want us to work together in a partnership and not in partisanship, what we received was a partisan slap across the face. It is the mismatch between words and actions of which we are speaking today.

I have had a bill that was incorporated into the ethics package that we passed last May that the Democrats almost en banc opposed because it wasn't tough enough. The reality is that the package in today's rule, which we had no participation in, is, in many ways, weaker. And one of the examples is the fact that, as I worked on with our Speaker, that if you have violated the rules of this House and the public trust and you took money, you found $90,000 of cold hard cash or you took limousines or whatever the violations were, that you shouldn't be able to leave in the public disgust with the benefits of public service, i.e., a pension. That was in the ethics package passed months ago but isn't in this one. So this is a weaker package.

Now, I too wish I would have had the opportunity to take the bill that I have introduced today and did last year and work with our friends on the other side, but, in the partisan slap, have been denied the ability to do so.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I will yield 2 minutes to the gentleman from California (Mr. MCNERNEY), one of the freshmen of which we are so proud.

Mr. MCNERNEY. Madam Speaker, I am very honored to be part of the historic 110th Congress.

It is entirely appropriate that the incoming Congress is making ethics reform one of its first acts. This issue is personally important to me and to all of Californians.

We need to provide Congress with a fresh start and improve the strained relations that exist between voters and

elected officials. Members of Congress should be held in the highest regard by the people they represent, and the ethics changes will help repair years of damage. We must reestablish positive relationships with everyone we serve, and end this period of mistrust in our government.

Traveling throughout our State of California, I heard from many people who simply want to believe and trust in their elected officials, and today we are sending the message that we feel the same way.

I am confident also that this will be the first of very many steps that will take back trust and civility in Congress, and I urge all of my colleagues to vote for the ethics package.

Mr. DREIER. Madam Speaker, may I inquire of the Chair how much time we have remaining?

The SPEAKER pro tempore (Ms. ESHOO). The gentleman from California has 6 minutes; the gentlewoman from New York, 4½ minutes remaining.

Mr. DREIER. Madam Speaker, I will yield an additional minute to the gentleman from Cherryville, North Carolina who would like to be recognized.

Mr. MCHENRY. Madam Speaker, I thank my colleague from California for yielding, again, to restate what is very important about this coming vote on the previous question.

If we defeat the previous question, we can then have an honest vote on the Pelosi minority bill of rights package. It is a very important thing for us to have an open, bipartisanship debate on opening day of this new Congress, for the new majority to be able to say clearly to the American people that their rhetoric is becoming reality on the opening day of this Congress. For if they do not do that and they do ram down the throats of all Members here on this floor this previous question, then all people will be locked out from offering debates on this House floor; and, from the Republican side, 140 million Americans who voted for our side of the aisle, their voices will be stifled in this process.

So, Madam Speaker, I encourage all Members, both Republicans and Democrats to come together, defeat this previous vote, and then we can move on to an open, fair debate on the minority bill of rights, the Pelosi minority bill of rights. That is a fair thing to do.

Ms. SLAUGHTER. Madam Speaker, for the purposes of debate only, I am pleased to yield 2 minutes to the gentleman from South Carolina, the chairman of the Budget Committee, Mr. SPRATT.

Mr. SPRATT. Madam Speaker, the package before us will be modified tomorrow to include provisions that reinstate a practice that was followed throughout the 1990s in the budget process called pay-as-you-go.

Pay-as-you-go was first instituted in 1991 as part of the Budget Enforcement Act when President Bush, the first President Bush, was the President of this country. Pay-as-you-go simply provides that if you want to cut taxes when you have a deficit, you can't make the deficit worse; you have got to offset those tax cuts either with entitlement cuts in an equivalent amount or with tax increases elsewhere in the Tax Code. And, if you want to enhance an entitlement, you have to pay for it with an identified revenue stream.

Our friends across the aisle are trying to imply that this PAYGO rule is a sham. I will simply say to you that our PAYGO rule is the art of the possible; it is what we can do at the present moment, and that is we can amend the rules of the House today and tomorrow to include two new PAYGO rules which we have provided for and which have been published.

There is some dispute as to whether or not the baseline against which to measure increases and decreases is going to be something that we can manipulate in the Budget Committee. I would simply invite everybody to read the language of the rule, and they will see that in this particular case, the Committee on the Budget is bound to turn to the Congressional Budget Office, which is traditional practice, and to use the recent baseline estimates supplied by the CBO consistent with section 257 of the Balanced Budget Act of 1985. That is what the rule provides. We go to CBO for the baseline, we determine whether or not the extent to which there will be an increase in spending or decrease in revenues. It is a CBO function based upon the latest baseline. And any other construction of this is a false construction.

Now, some may say this is just a rule of the House, it can be waived by the Rules Committee because, as the other side well knows, points of order of this kind traditionally have been mowed down by the Rules Committee. But this is the best we can do with a rule of the House. We can later come back and make a statutory change, but it will be good to know if our opponents on the other side who support such a change.

Mr. DREIER. Madam Speaker, may I inquire of the distinguished Chair of the Rules Committee now, are there any further speakers on the majority side?

Ms. SLAUGHTER. There are not. And I will reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself the balance of the time.

Madam Speaker, I am actually very enthused and excited about the great new opportunity that lies ahead for every single one of us. We have heard speeches today from our distinguished Republican leader, and we are all very proud that my fellow Californian has become the first woman to preside over the greatest deliberative body known to man. And, as I said earlier, I am particularly proud of the fact that I am being succeeded by the distinguished chairwoman from New York (Ms. SLAUGHTER), as the first woman to chair the Rules Committee.

□ 1600

I am enthused about the challenges that lie ahead, and I am very encouraged by the words that we heard from our new Speaker about the need for civility, about the need for us to make sure that we recognize that we are first and foremost Americans, and that the message from last November's election was a very clear one. It was a message that we should come together, work together, Democrats and Republicans alike, to solve the challenges that we face so that we can in fact do the people's business.

We are very proud of the accomplishments that we have had over the past 12 years, and I believe we can work with the new majority to build on those successes, the successes of ensuring that we have an economy that is second to none, an unemployment rate that is at near-record lows at 4.5 percent, strong domestic product growth, more Americans working than ever before in our Nation's history, more Americans owning their own homes, and more minority Americans owning their own homes.

I also am particularly proud of the fact that working together, Madam Speaker, we have been able to ensure that since that tragic day of September 11, 2001, we have not faced another attack on our soil.

The fact that we have not faced another attack is not an accident. It is because of good public policy and the leadership that we have had. Now we do have a change in leadership here in this institution, and there have been a wide range of promises that were made by Members who formerly served in the majority and now are coming back to majority status. As members of the minority, they talked about the need for enhanced minority rights. And I believe many of those things are very, very important. I believed them before, and I believe them now.

One of the things that I think is very important is for us to have an opportunity for consideration of measures here on the House floor that allow for a greater opportunity for Member participation. The thing that troubles me most is if we don't defeat this previous question and then defeat this rule that allows us to move forward, we will be proceeding with a package that will bring forward five closed rules, preventing the Rules Committee from having an opportunity to in any way consider the chance to bring forward amendments.

Never before, never before in our Nation's history have we seen an opening day Rules Committee that would allow for the consideration of five closed

rules in the opening-day package. And one of the things, of course, that was discussed widely by our colleagues on the other side of the aisle which we have strongly supported is the notion of transparency, accountability, and disclosure.

One of the most troubling aspects of this measure is that we would move to prevent the RECORD from showing the votes that are cast in the Rules Committee.

We were very proud that we eliminated proxy voting when we came to majority status. Why? Because we wanted Members to show up to work, and we wanted the American people to see their work product.

Well, unfortunately, the American people understand what it means to show up to work. They understand what it means for greater disclosure and accountability and transparency. We heard the opening remarks during this rule debate on letting the sunshine in. The sun is shining outside today, and it is going to shine in. Under this provision, we see a prevention for the opportunity for the sun to shine in the Rules Committee, and I find it very troubling.

Madam Speaker, I will be asking Members to vote ''no'' on the previous question so we can amend this rule to make in order to consider the Speaker's minority bill of rights as was outlined on May 25, 2006, in her document ''New House Principles: A Congress For All Americans.'' We need to give the new majority an opportunity to live up to those commitments that were made.

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

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

There was no objection.

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

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent to insert in the RECORD a jurisdictional memorandum of understanding between the chairmen-designate from the Committee on Transportation and the Committee on Homeland Security.

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

There was no objection.

MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE AND THE COMMITTEE ON HOMELAND SECURITY

January 4, 2007.

On January 4, 2005, the U.S. House of Representatives adopted H. Res. 5, establishing the Rules of the House for the 109th Congress. Section 2(a) established the Committee on Homeland Security as a standing committee of the House of Representatives with specific legislative jurisdiction under House Rule X. A legislative history to accompany the changes to House Rule X was inserted in the Congressional Record on January 4, 2005.

The Committee on Transportation and Infrastructure and the Committee on Homeland Security (hereinafter ''Committees'') jointly agree to the January 4, 2005 legislative history as the authoritative source of legislative history of section 2(a) of H. Res. 5 with the following two clarifications.

First, with regard to the Federal Emergency Management Agency's, FEMA, emergency preparedness and response programs, the Committee on Homeland Security has jurisdiction over the Department of Homeland Security's responsibilities with regard to emergency preparedness and collective response only as they relate to terrorism. However, in light of the federal emergency management reforms that were enacted as title VI of Public Law 109–295, a bill amending FEMA's all-hazards emergency preparedness programs that necessarily addresses FEMA's terrorism preparedness programs would be referred to the Committee on Transportation and Infrastructure; in addition, the Committee on Homeland Security would have a jurisdictional interest in such bill. Nothing in this Memorandum of Understanding affects the jurisdiction of the Committee on Transportation and Infrastructure of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Federal Fire Prevention and Control Act of 1974.

Second, with regard to port security, the Committee on Homeland Security has jurisdiction over port security, and some Coast Guard responsibilities in that area fall within the jurisdiction of both Committees. A bill addressing the activities, programs, assets, and personnel of the Coast Guard as they relate to port security and non-port security missions would be referred to the Committee on Transportation and Infrastructure; in addition, the Committee on Homeland Security would have a jurisdictional interest in such bill.

This Memorandum of Understanding between the Committee on Transportation and Infrastructure and the Committee on Homeland Security provides further clarification to the January 4, 2005 legislative history of the jurisdiction of the Committees only with regard to these two specific issues. The Memorandum does not address any other issues and does not affect the jurisdiction of other committees.

JAMES L. OBERSTAR,
Chairman-designate, Committee on Transportation & Infrastructure.
BENNIE G. THOMPSON,
Chairman-designate, Committee on Homeland Security.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 5 OFFERED BY MR. DREIER OF CALIFORNIA, MR. MCHENRY OF NORTH CAROLINA, AND MR. PRICE OF GEORGIA

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution, the further amendments in section 6 shall be considered as adopted.

SEC. 6. The amendments referred to in section 5 is as follows:

Strike section 503.

At the end of title III, insert the following new sections:

''Sec. 304. Bipartisan Administration of House of Representatives.

''(a) IN GENERAL.—The Rules of the House of Representatives are amended by adding at the end the following:

''RULE XXIX

''BIPARTISAN ADMINISTRATION OF HOUSE

''1. (a) The elected leadership of the majority and minority parties shall engage in regular consultations with each other to discuss scheduling, administration, and operations of the House.

''(b) The chair and ranking minority member of each committee, as well as their staffs, shall have regular meetings with each other.

''2. The House should have a predictable, professional, family-friendly schedule that allows the legislative process to proceed in a manner that ensures timely and deliberate dispensation of the work of the Congress.''.

''(b) ALLOCATION OF COMMITTEE EXPENSES.—Clause 6 of rule X of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(f) Of the amount provided to a committee under a primary expense resolution or a supplemental expense resolution under this clause, or during an interim funding period described in clause 7, one-third of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, shall be paid at the direction of the ranking minority member.''.

''Sec. 305. Regular Order for Legislation.

''RULE XXX

''REGULAR ORDER FOR LEGISLATION

''1. Legislation shall be developed following full hearings and open subcommittee and committee markups, with appropriate referrals to other committees. Members should have at least 24 hours to examine any legislation before its consideration at the subcommittee level.

''2. Legislation shall generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.

''3. Members shall have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for any legislation to be considered the following day.

''4. Floor votes shall be completed within 15 minutes, with the customary 2-minute extension to accommodate Members' ability to get to the House Chamber to cast their votes. No vote shall be held open in order to manipulate the outcome.

''5. Conference committees shall hold regular meetings (at least weekly) of all conference committee Members. All managers appointed to a conference committee shall be informed of the schedule of conference committee activities in a timely manner, and given ample opportunity for input and debate as decisions are made toward final language for the conference report.

''6. The Suspension Calendar shall be restricted to non-controversial legislation, and the ratio of legislation on the Calendar which is sponsored by members of the minority party shall be the same as the ratio of the number of members of the party to the membership of the whole House.''.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress. Only political affiliation has been changed.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer a amendment to the rule, or yield for the purpose of amendment.''

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

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

Ms. SLAUGHTER. Madam 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. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 197, not voting 16, as follows:

[Roll No. 3]

YEAS—222

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

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
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)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
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
Norwood
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bean
Brown (SC)
Buyer
Capuano
Gerlach
Gillmor
Inslee
Johnson, E. B.
Jones (OH)
Kanjorski
Lamborn
Lynch
Nadler
Rahall
Ryan (OH)
Shea-Porter

SWEARING IN OF MEMBERS-ELECT

The SPEAKER (during the vote). Will the gentleman from Texas (Mr. GOHMERT), the gentleman from Kansas (Mr. MORAN), and the gentleman from Michigan (Mr. ROGERS) kindly come to

the well of the House and take the oath of office.

Messrs. GOHMERT, MORAN of Kansas, and ROGERS of Michigan 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.

□ 1630

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

Ms. LINDA T. SÁNCHEZ of California and Mr. PRICE of North Carolina changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SHEA-PORTER. Madam Speaker, on rollcall No. 3, I was unavoidably detained.

Had I been present, I would have voted "yea."

Mr. INSLEE. Madam Speaker, I was absent from the House floor during today's vote on the previous question that would allow for floor consideration of a Minority Rules Package.

Had I been present, I would have voted to support the previous question.

Stated against:

Mr. LAMBORN. Madam Speaker, on rollcall No. 3, I was inadvertently detained.

Had I been present, I would have voted "nay."

Mr. GERLACH. Madam Speaker, on rollcall No. 3, I was unable to make it to the floor in time to vote.

Had I been present, I would have voted "nay."

MOTION TO COMMIT OFFERED BY MR. DREIER

Mr. DREIER. Madam Speaker, I offer a motion to commit.

The SPEAKER pro tempore (Ms. ESHOO). The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Dreier moves to commit the resolution (H. Res. 5) to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution, the further amendment in section 6 shall be considered as adopted.

SEC. 6. The amendment referred to in section 5 is as follows:

At the end of title IV, add the following new section:

SEC. 406. KEEPING AMERICANS' TAX DOLLARS SAFE.

At the end of clause 6(c) of rule XIII, strike the period, insert a semicolon, and insert the following:

''(3) A rule or order waiving the requirement of clause 10 of rule XX; or,

''(4) A rule or order waiving the applicability of clause 5(b) or (c) of rule XXI.''

Mr. HASTINGS of Florida (during the reading). Madam Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

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

Mr. DREIER. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read the motion to commit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

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

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

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 199, nays 232, not voting 3, as follows:

[Roll No. 4]

YEAS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
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
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
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
Norwood
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—232

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

Watson Welch (VT) Wu
Watt Wexler Wynn
Waxman Wilson (OH) Yarmuth
Weiner Woolsey

NOT VOTING—3

Brown (SC) Buyer Saxton

□ 1650

Mr. OBEY, Mr. ELLSWORTH and Ms. SLAUGHTER changed their vote from ''yea'' to ''nay.''

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SCOTT of Virginia). 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 vote was taken by electronic device, and there were—yeas 235, nays 195, not voting 4, as follows:

[Roll No. 5]

YEAS—235

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

NAYS—195

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

NOT VOTING—4

Brown (SC) McCrery
Buyer Rogers (KY)

□ 1710

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.

Mr. HOYER. Mr. Speaker, pursuant to the resolution just adopted, I call up House Resolution 6 and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 6

Resolved,

TITLE I. ADOPTION OF RULES OF ONE HUNDRED NINTH CONGRESS

SEC. 101. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress.

TITLE II. ETHICS

SEC. 201. That the Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 202. ENDING THE K-STREET PROJECT.

Rule XXIII is amended by redesignating clause 14 as clause 15, and by inserting after clause 13 the following new clause:

''14. A Member, Delegate, or Resident Commissioner may not, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(a) take or withhold, or offer or threaten to take or withhold, an official act; or

''(b) influence, or offer or threaten to influence, the official act of another.''.

SEC. 203. BAN ON GIFTS FROM LOBBYISTS.

(a) Clause 5(a)(1)(A) of rule XXV is amended by inserting ''(i)'' after ''(A)'' and adding at the end the following:

''(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraph (3) of this paragraph.''.

(b) Clause 5(a)(1)(B) of rule XXV is amended by inserting ''not prohibited by subdivision (A)(ii)'' after the parenthetical.

SEC. 204. VALUATION OF TICKETS TO SPORTING AND ENTERTAINMENT EVENTS.

Clause 5(a)(1)(B) of rule XXV is further amended by inserting ''(i)'' after ''(8)'' and adding at the end the following:

''(ii) A gift of a ticket to a sporting or entertainment event shall be valued at the face value of the ticket or, in the case of a ticket without a face value, at the highest cost of a ticket with a face value for the event. The price printed on a ticket to an event shall be deemed its face value only if it also is the price at which the issuer offers that ticket for sale to the public.''.

SEC. 205. RESTRICTION OF PRIVATELY FUNDED TRAVEL.

(a) PROHIBITION.—Clause 5(b)(1) of rule XXV is amended—

(1) in subdivision (A), by striking ''from a private source'' and all that follows through ''prohibited by this clause'' and inserting ''for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event in connection with his duties as an officeholder shall be considered as a reimbursement to the House and not a gift prohibited by this clause when it is from a private source other than a registered lobbyist or agent of a foreign principal or a private entity that retains or employs registered lobbyists or agents of a foreign principal (except as provided in subdivision (C))''; and

(2) by adding at the end the following new subdivision:

''(C) A reimbursement (including payment in kind) to a Member, Delegate, Resident Commissioner, officer, or employee of the House for any purpose described in subdivision (A) also shall be considered as a reimbursement to the House and not a gift prohibited by this clause (without regard to whether the source retains or employs registered lobbyists or agents of a foreign principal) if it is, under regulations prescribed by the Committee on Standards of Official Conduct to implement this provision—

''(i) directly from an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

''(ii) provided only for attendance at or participation in a one-day event (exclusive of travel time and an overnight stay).

''Regulations prescribed to implement this provision may permit a two-night stay when determined by the committee on a case-by-case basis to be practically required to participate in the one-day event.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 1, 2007.

SEC. 206. LOBBYIST ORGANIZATIONS AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Clause 5 of rule XXV is further amended by redesignating paragraphs (c), (d), (e), and (f) as paragraphs (e), (f), (g), and (h), respectively, and by inserting after paragraph (b) the following:

''(c)(1)(A) Except as provided in subdivision (8), a Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip on which the traveler is accompanied on any segment by a registered lobbyist or agent of a foreign principal.

''(B) Subdivision (A) does not apply to a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965.

''(2) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under the exception in paragraph (b)(1)(C)(ii) of this clause for a trip that is financed in whole or in part by a private entity that retains or employs registered lobbyists or agents of a foreign principal unless any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip is de minimis under rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C) of this clause.

''(3) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip (other than a trip permitted under paragraph (b)(1)(C) of this clause) if such trip is in any part planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal.''

''(d) A Member, Delegate, Resident Commissioner, officer, or employee of the House shall, before accepting travel otherwise permissible under paragraph (b)(1) of this clause from any private source—

''(1) provide to the Committee on Standards of Official Conduct before such trip a written certification signed by the source or (in the case of a corporate person) by an officer of the source—

''(A) that the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

''(B) that the source either—

''(i) does not retain or employ registered lobbyists or agents of a foreign principal; or

''(ii) is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

''(iii) certifies that the trip meets the requirements specified in rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C)(ii) of this clause and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip considered to qualify as de minimis under such rules;

''(C) that the source will not accept from another source any funds earmarked directly or indirectly for the purpose of financing any aspect of the trip;

''(D) that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal (except in the case of a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965); and

''(E) that (except as permitted in paragraph (b)(1)(C) of this clause) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal; and

''(2) after the Committee on Standards of Official Conduct has promulgated the regulations mandated in paragraph (i)(1)(8) of this clause, obtain the prior approval of the committee for such trip.''.

(b) CONFORMING CHANGES IN CROSS-REFERENCES.—Clause 5 of rule XXV is further amended by—

(1) in clause 5(a)(3)(E), striking ''paragraph (c)(3)'' and inserting ''paragraph (e)(3)''; and

(2) in clause 5(e)(2) (as redesignated), striking ''paragraph (d)'' and inserting ''paragraph (f)'' .

(c) TIMELINESS OF INFORMATION.—Clause 5(b)(1)(A)(ii) of rule XXV is amended by striking ''30 days'' and inserting ''15 days''.

(d) CONFORMING AMENDMENT.—Clause 5(b)(3) of rule XXV is amended by striking ''of expenses reimbursed or to be reimbursed''.

(e) PUBLIC AVAILABILITY.—Clause 5(b)(5) of rule XXV is amended to read as follows:

''(5) The Clerk of the House shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

SEC. 207. FURTHER LIMITATION ON THE USE OF FUNDS FOR TRAVEL.

Rule XXIII is further amended by redesignating clause 15 (as earlier redesignated) as clause 16, and by inserting after clause 14 the following new clause:

''15. (a) A Member, Delegate, or Resident Commissioner may not use personal funds, official funds, or campaign funds for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire.

''(b) In this clause, the term 'campaign funds' includes funds of any political committee under the Federal Election Campaign Act of 1971, without regard to whether the committee is an authorized committee of the Member, Delegate, or Resident Commissioner involved under such Act.''.

SEC. 208. EXPENSES FOR OFFICIALLY CONNECTED TRAVEL.

Clause 5 of rule XXV is further amended by adding at the end the following:

''(i)(1) Not later than 45 days after the date of adoption of this paragraph and at annual intervals thereafter, the Committee on Standards of Official Conduct shall develop and revise, as necessary—

''(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

''(i) a connection between a trip and official duties;

''(ii) the reasonableness of an amount spent by a sponsor;

''(iii) a relationship between an event and an officially connected purpose; and

''(iv) a direct and immediate relationship between a source of funding and an event; and

''(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

''(2) In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.''.

SEC. 209. ADDITIONAL DISCLOSURE.

Clause 5(b)(3) of rule XXV is further amended—

(a) by striking ''and'' after the semicolon at the end of subdivision (E);

(b) by redesignating subdivision (F) as subdivision (G); and

(c) by inserting after subdivision (E) the following new subdivision:

''(F) a description of meetings and events attended; and''.

SEC. 210. CLERICAL CORRECTION.

Clause 5(f)(1) of rule XXV (as earlier redesignated) is amended by striking ''are'' and inserting ''is''.

SEC. 211. ANNUAL ETHICS TRAINING FOR MEMBERS, OFFICERS AND EMPLOYEES OF THE HOUSE.

(a) Training Program.—Clause 3(a) of rule XI is amended by adding at the end the following new subparagraph:

''(6)(A) The committee shall offer annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House. Such training shall—

''(i) involve the classes of employees for whom the committee determines such training to be appropriate; and

''(ii) include such knowledge of the Code of Official Conduct and related House rules as

may be determined appropriate by the committee.

''(B)(i) A new officer or employee of the House shall receive training under this paragraph not later than 60 days after beginning service to the House.

''(ii) Not later than January 31 of each year, each officer and employee of the House shall file a certification with the committee that the officer or employee attended ethics training in the last year as established by this subparagraph.''.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on March 1, 2007.

SEC. 212. DESIGNATING COMMITTEE ON EDUCATION AND LABOR.

(a) Clause 1 (e) of rule X is amended by striking ''Committee on Education and the Workforce'' and inserting ''Committee on Education and Labor''.

(b) Clause 3(d) of rule X is amended by striking ''Committee on Education and the Workforce'' and inserting ''Committee on Education and Labor''.

SEC. 213. DESIGNATING COMMITTEE ON FOREIGN AFFAIRS.

(a) Clause 1 of rule X is amended by—

(1) redesignating the existing paragraphs (h) through (m), as paragraphs (m), (i), (V), (h), (k), and (l), respectively (inserting paragraph (h), as redesignated, after paragraph (g)); and

(2) in paragraph (h), as redesignated, striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(b) Clause 3 of rule X is amended by—

(1)redesignating the existing paragraphs (b) through (i) as paragraphs (c), (e), (d), (i), (g), (f), (b) and (h), respectively (inserting paragraph (b), as redesignated, after paragraph (a); inserting paragraph (d), as redesignated, after paragraph (c); and inserting paragraph (f), as redesignated, after paragraph (e)); and

(2) in paragraph (f), as redesignated, striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(c) Clause 11 (a)(1)(C) of rule X is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(d) Clause 2(d) of rule XII is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

SEC. 214. DESIGNATING COMMITTEE ON NATURAL RESOURCES.

(a) Clause 1 (I) of rule X (as earlier redesignated) is amended by striking ''Committee on Resources'' and inserting ''Committee on Natural Resources''.

(b) Clause 3(h) of rule X (as earlier redesignated) is amended by striking ''Committee on Resources'' and inserting ''Committee on Natural Resources''.

SEC. 215. DESIGNATING COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.

(a) Clause 1 of rule X is further amended by—

(1) inserting paragraph (m) (as earlier redesignated), after paragraph (I) (as earlier redesignated); and

(2) in paragraph (m) (as earlier redesignated), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

(b) Clause 2 of rule X is amended by—

(1) in paragraph (d)(1), striking ''Committee on Government Reform' and inserting ''Committee on Oversight and Government Reform''; and

(2) in paragraph (d)(2), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

(c) Clause 3 of rule X is further amended by—

(1) inserting paragraph (i) (as earlier redesignated) after paragraph (h) (as earlier redesignated); and

(2) in paragraph (i), (as earlier redesignated), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

(d) Clause 4 of rule X is amended by—

(1) in paragraph (c)(1), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''; and

(2) in paragraph (c)(2), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

(e) Clause 5(d)(2) of rule X is amended by striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

(f) Clause 4 of rule XV is amended by striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

SEC. 216. DESIGNATING COMMITTEE ON SCIENCE AND TECHNOLOGY.

(a) Clause 1 (o) of rule X is amended by striking ''Committee on Science'' and inserting ''Committee on Science and Technology''.

(b) Clause 3(k) of rule X is amended by striking ''Committee on Science'' and inserting ''Committee on Science and Technology''.

SEC. 217. SEPARATE ORDER: NUMBERING OF BILLS.

In the One Hundred Tenth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as she may designate.

TITLE III. CIVILITY

SEC. 301. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 302. PROPER CONDUCT OF VOTES.

Clause 2(a) of rule XX is amended by inserting after the second sentence the following sentence: ''A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.''.

SEC. 303. FULL AND OPEN DEBATE IN CONFERENCE.

In rule XXII—

(a) clause 12(a) is amended by adding at the end the following new subparagraphs:

''(3) In conducting conferences with the Senate, managers on the part of the House should endeavor to ensure—

''(A) that meetings for the resolution of differences between the two Houses occur only under circumstances in which every manager on the part of the House has notice of the meeting and a reasonable opportunity to attend;

''(B) that all provisions on which the two Houses disagree are considered as open to discussion at any meeting of a conference committee; and

''(C) that papers reflecting a conference agreement are held inviolate to change without renewal of the opportunity of all managers on the part of the House to reconsider their decisions to sign or not to sign the agreement.

''(4) Managers on the part of the House shall be provided a unitary time and place with access to at least one complete copy of the final conference agreement for the purpose of recording their approval (or not) of the final conference agreement by placing their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.''.

(b) add the following new clause at the end:

''13. It shall not be in order to consider a conference report the text of which differs in any way, other than clerical, from the text that reflects the action of the conferees on all of the differences between the two Houses, as recorded by their placement of their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.''.

TITLE IV. FISCAL RESPONSIBILITY

SEC. 401. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 402. RECONCILIATION.

Rule XXI is amended by adding at the end the following new clause:

''7. It shall not be in order to consider a concurrent resolution on the budget, or an amendment thereto, or a conference report thereon that contains reconciliation directives under section 310 of the Congressional Budget Act of 1974 that specify changes in law reducing the surplus or increasing the deficit for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. In determining whether reconciliation directives specify changes in law reducing the surplus or increasing the deficit, the sum of the directives for each reconciliation bill (under section 310 of the Congressional Budget Act of 1974) envisioned by that measure shall be evaluated.

SEC. 403. APPLYING POINTS OF ORDER UNDER BUDGET ACT TO BILLS AND JOINT RESOLUTIONS CONSIDERED UNDER SPECIAL RULES.

Rule XXI is amended by adding at the end the following new clause:

''8. With respect to measures considered pursuant to a special order of business, points of order under title III of the Congressional Budget Act of 1974 shall operate without regard to whether the measure concerned has been reported from committee. Such points of order shall operate with respect to (as the case may be)—

''(a) the form of a measure recommended by the reporting committee where the statute uses the term ''as reported'' (in the case of a measure that has been so reported);

''(b) the form of the measure made in order as an original bill or joint resolution for the purpose of amendment; or

''(c) the form of the measure on which the previous question is ordered directly to passage.''.

SEC. 404. CONGRESSIONAL EARMARK REFORM.

(a) Point of Order against Congressional Earmarks.—Rule XXI is amended by adding at the end the following new clause:

''9. (a) It shall not be in order to consider—

''(1) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

''(2) a bill or joint resolution not reported by a committee unless the chairman of each committee of initial referral has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration;

''(3) an amendment to a bill or joint resolution to be offered at the outset of its consideration for amendment by a member of a committee of initial referral as designated in a report of the Committee on Rules to accompany a resolution prescribing a special order of business unless the proponent has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the amendment (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the proponent for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

''(4) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

''(b) It shall not be in order to consider a rule or order that waives the application of paragraph (a). As disposition of a point of order under this paragraph, the Chair shall put the question of consideration with respect to the rule or order that waives the application of paragraph (a). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

''(c) In order to be cognizable by the Chair, a point of order raised under paragraph (a) may be based only on the failure of a report, submission to the Congressional Record, or joint explanatory statement to include a list required by paragraph (a) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

''(d) For the purpose of this clause, the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other 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.

''(e) For the purpose of this clause, the term 'limited tax benefit' means—

''(1) any revenue-losing provision that—

''(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and

''(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

''(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

''(f) For the purpose of this clause, the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(b) Related Amendment to Code of Official Conduct.—Rule XXIII is amended—

(a) by redesignating clause 16 (as earlier redesignated) as clause 18; and

(b) by inserting after clause 15 the following new clauses:

''16. A Member, Delegate, or Resident Commissioner may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner. For purposes of this clause and clause 17, the terms 'congressional earmark,' 'limited tax benefit,' and 'limited tariff benefit' shall have the meanings given them in clause 9 of rule XXI.

''17. (a) A Member, Delegate, or Resident Commissioner who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking minority member of the committee of jurisdiction, including—

''(1) the name of the Member, Delegate, or Resident Commissioner;

''(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

''(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member, Delegate, or Resident Commissioner;

''(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

''(5) a certification that the Member, Delegate, or Resident Commissioner or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

''(b) Each committee shall maintain the information transmitted under paragraph (a), and the written disclosures for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be open for public inspection.''.

SEC. 405. PAY-AS-YOU-GO POINT OF ORDER.

Rule XXI is amended by adding at the end the following new clause:

''10. It shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit or reducing the surplus for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to—

(a) the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 used in considering a concurrent resolution on the budget; or

(b) after the beginning of a new calendar year and before consideration of a concurrent resolution on the budget, the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

TITLE V. MISCELLANEOUS

SEC. 501. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 502. DEPOSITION AUTHORITY.

Clause 4(c) of rule X is amended by adding at the end the following new subparagraph:

''(3)(A) The Committee on Oversight and Government Reform may adopt a rule authorizing and regulating the taking of depositions by a member or counsel of the committee, including pursuant to subpoena under clause 2(m) of rule XI (which hereby is made applicable for such purpose).

''(B) A rule adopted by the committee pursuant to this subparagraph—

''(i) may provide that a deponent be directed to subscribe an oath or affirmation before a person authorized by law to administer the same; and

''(ii) shall ensure that the minority members and staff of the committee are accorded equitable treatment with respect to notice of and a reasonable opportunity to participate in any proceeding conducted thereunder.

''(C) Information secured pursuant to the authority described in subdivision (A) shall retain the character of discovery until offered for admission in evidence before the committee, at which time any proper objection shall be timely.''.

SEC. 503. RECORD VOTES IN THE COMMITTEE ON RULES.

The second sentence of clause 3(b) of rule XIII is amended by inserting ''a report by the Committee on Rules on a rule, joint rule, or the order of business or to'' after ''to''.

SEC. 504. CHANGES TO REFLECT INTELLIGENCE COMMUNITY REFORM.

Clause 11 of rule X is amended by—

(a) in paragraph (b)(1)(A), striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(b) in paragraph (b)(1)(A), striking ''Foreign'';

(c) in paragraph (b)(1)(D)(i), striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(d) in paragraph (b)(1)(D)(i), striking ''Foreign'';

(e) in paragraph (c)(2), inserting ''the Director of National Intelligence,'' before ''the Director of the Central Intelligence Agency'';

(f) in paragraph (e)(2), striking ''Central'' and inserting ''National''; and

(g) in paragraph (i), striking subparagraphs (1) through (6) and inserting in lieu thereof the following:

''(1) The activities of the Director of National Intelligence and the Office of the Director of National Intelligence.

''(2) The activities of the Central Intelligence Agency.

''(3) The activities of the Defense Intelligence Agency.

''(4) The activities of the National Security Agency.

''(5) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

''(6) The intelligence and intelligence-related activities of the Department of State.

''(7) The intelligence and intelligence-related activities of the Federal Bureau of Investigation.

''(8) The intelligence and intelligence-related activities of all other departments and agencies of the executive branch.''.

SEC. 505. TECHNICAL AND CONFORMING CHANGES.

(a) Clause 12(b) of rule I is amended to read as follows:

''(b)(1) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.''

''(2) To suspend the business of the Committee of the Whole House on the state of the Union when notified of an imminent threat to its safety, the Chairman of the Committee of the Whole may declare an emergency recess subject to the call of the Chair.''.

(b) Clause 6(b) of rule XIII is amended to read as follows:

''(b) Pending the consideration of a report by the Committee on Rules on a rule, joint rule, or the order of business, the Speaker may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the report shall have been disposed of.''.

(c) Clause 1(b) of rule XV is amended to read as follows:

''(b) Pending a motion that the House suspend the rules, the Speaker may entertain one motion that the House adjourn but may not entertain any other motion until the vote is taken on the suspension.''.

(d) In clause 2(e) of rule XV, subparagraph (1) is amended to read as follows:

''(1) If a motion prevails to discharge the Committee on Rules from consideration of a resolution, the House shall immediately consider the resolution, pending which the Speaker may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the resolution has been disposed of. If the resolution is adopted, the House shall immediately proceed to its execution.''.

SEC. 506. SPECIAL ORDER OF BUSINESS: 9/11 SELECT PANEL.

Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a resolution to enhance intelligence oversight authority. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit which may not contain instructions.

SEC. 507. SPECIAL ORDER OF BUSINESS: 9/11 RECOMMENDATIONS.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 1 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 508. SPECIAL ORDER OF BUSINESS: MINIMUM WAGE.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 2 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 509. SPECIAL ORDER OF BUSINESS: STEM CELL.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 3 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 510. SPECIAL ORDER OF BUSINESS: PRESCRIPTION DRUGS.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4) to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 4 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 511. SEPARATE ORDERS.

(a) BUDGET MATTERS.—(1) During the One Hundred Tenth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Tenth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Tenth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority under section 401 of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Tenth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2008, the provisions of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Tenth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record—

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget; and

(ii) ''Accounts Identified for Advance Appropriations,'' which shall be considered to be the programs, projects, activities, or accounts referred to in section 401(b) of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House.

(5)(A) During the One Hundred Tenth Congress, except as provided in subsection (C), a motion that the Committee of the Whole rise and report a bill to the House shall not be in

order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(B) If a point of order under subsection (A) is sustained, the Chair shall put the question: ''Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?''. Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(C) Subsection (A) shall not apply—

(i) to a motion offered under clause 2(d) of rule XXI; or

(ii) after disposition of a question under subsection (B) on a given bill.

(D) If a question under subsection (B) is decided in the negative, no further amendment shall be in order except—

(i) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(ii) pro forma amendments, if offered by the chairman or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Tenth Congress—

(1) the Committee on Armed Services may have not more than seven subcommittees;

(2) the Committee on Foreign Affairs may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) EXERCISE FACILITIES FOR FORMER MEMBERS.—During the One Hundred Tenth Congress—

(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term ''Member of the House of Representatives'' includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this subsection.

The SPEAKER pro tempore. Pursuant to House Resolution 5, the question shall be divided among each of the five titles of House Resolution 6. The previous question is ordered on each portion of the divided question, except as specified in sections 2 through 4 of House Resolution 5.

The portion of the divided question comprising title I is now debatable for 30 minutes.

The gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. BOEHNER) each will control 15 minutes.

The Chair recognizes the gentleman from Maryland.

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

First, Mr. Speaker, let me say, this is truly a proud and historic moment for this institution, the people's House in our Nation. Today, for the first time in our history, the Members of this great body have elected a woman, the gentlewoman from California (Ms. PELOSI), to serve as our Speaker. I want to offer my heartfelt congratulations to Speaker PELOSI, as well as her husband Paul, and her children and all of her family.

Last November 7, the American people delivered a resounding message that was heard in every corner of this Nation. They want change and a new direction in our Nation. Today, as we open this new 110th Congress, with hope and great optimism, we will take the first steps in offering the voters precisely that by changing the way business is done in Washington.

As we open this new chapter in American history, we will seek to elevate results over rhetoric and put progress before partisanship as we affirm our commitment to transparency, accountability, and civility.

Mr. Speaker, this rules package includes sweeping ethics reforms that begin to address some of the most egregious transgressions of the recent past. Among other things, we will ban gifts, including meals and tickets, from lobbyists and the organizations that employ them. We will ban lobbyists and the organizations that employ them from financing travel for Members or their staffs, except for one-day travel to visit a site, attend a forum, participate in a panel, or give a speech, all obviously in the pursuance of the Members' duties. We will require Members and staff to obtain preapproval from the Ethics Committee for permitted travel; and, Mr. Speaker, we will end the K Street Project, a practice that brought shame on this House when some Members promised access in return for patronage hiring.

Now let me say, very frankly, as importantly as these rules changes are, they alone will not ensure the integrity of this institution. Rather, the Members of this House will ensure the integrity of this institution when we conduct ourselves with integrity and hold accountable those who fail to abide by these rules and the highest ethical standards.

□ 1715

Thus during the next 2 years, we have an obligation, each and every one of us, to ensure that the Ethics Committee does the job that it was constituted to perform. The implementation of rules, while vital, must be followed by effective, real enforcement.

Through this rules package, Mr. Speaker, we also signal our sincere intent to foster an environment in which civility, consensus, and compromise are nurtured. The American people are tired of partisanship. They are rightfully demanding progress on the critical priorities that face our Nation. Surely we will disagree on many issues, but that does not require us to be disagreeable, and we surely can disagree without impugning or questioning the motives, the character of our colleagues.

In addition, Mr. Speaker, this rules package restores fiscal discipline by reinstating the budget rules that helped us produce record budget surpluses in the 1990s and which previously were supported on a bipartisan basis.

Mr. Speaker, we simply cannot continue on our current fiscal course. In the last 72 months, our Nation has turned a projected 10-year budget surplus of $5.6 trillion into a deficit of more than $3 trillion. It is, in my opinion, Mr. Speaker, immoral of this generation of Americans to force our children and grandchildren to pay our bills. Our current course threatens our economic as well as our national security. Pay-as-you-go budget rules will help us restore the fiscal discipline that the American people demand. These measures represent the foundation of our mission and the basis for the good work we will do together as one body with the best interests of those we serve at heart.

Mr. Speaker, we have a profound responsibility to fulfill and make hard choices. However, we also share an extraordinary opportunity that is distinctive in the American experience, to heal a deeply divided Nation, to conquer national doubt and restore public confidence in the United States Congress. I look forward, Mr. Speaker, to working with each and every one in this body in our pursuit of that progress.

In conclusion, let me leave you with the words of our 35th President, John Kennedy, who said this: ''Let us not seek the Republican answer or the Democratic answer, but the right answer. Let us not seek to fix the blame for the past. Let us accept our own responsibility for the future.''

Mr. Speaker, let us now embrace our responsibility and fulfill the trust that the American people have placed in us to lead, to govern effectively, and to make the greatest Nation on Earth even greater. I urge my colleagues to support this resolution.

Mr. Speaker, at this time I would ask unanimous consent that the remaining time allocated to me be controlled by Mr. HASTINGS of Florida, a member of the Rules Committee.

The SPEAKER pro tempore (Mr. SCOTT of Virginia). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from

California (Mr. DREIER) as the designee of the minority leader.

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

I would like to begin by extending my compliments to my very good friend from Maryland, the distinguished majority leader, Mr. HOYER. In fact, Mr. HOYER just quoted John F. Kennedy and I believe that he was right on target in focusing on that brilliant quote of President Kennedy's where he said that we should not seek the Republican answer, we should not seek the Democratic answer, we should seek the right answer. I was struck with that, Mr. Speaker, and I believe that we should join in strong support of this resolution, of support of this title; and I am going to urge my colleagues to join in voting in support of this title which uses the rules base of the 109th Congress as the basis for which these proposed changes are being offered.

But I think it is very important for us to note that if we are going to, in fact, seek the right answer as opposed to the Republican answer or the Democratic answer, we need to do that by vigorously pursuing the deliberative process about which we all speak. And I know that during the past several years, my very distinguished colleagues on the other side of the aisle raised concerns about a lack of deliberation that existed in this House and the fact that more amendments could have been made in order. I will acknowledge that we could have made more amendments in order. That was clearly an option there. But as my friend, having served in the majority, knows very well, there are challenges that need to be addressed when you are in the majority, challenges of managing this institution. I see him sitting there very comfortably and I am glad that he is comfortable at this point, but I know full well that he, Mr. Speaker, is going to face many management challenges in the days and weeks and months ahead.

But during the past couple of years, what we have heard is a commitment to minority rights made by those who were formerly in the majority, who were in the minority at that time and are now back in the majority. And so I would argue that the words of President Kennedy can best be implemented if we in fact do increase the level of deliberation, and that is why as we look at the proposed changes that we are going to be considering, I have to say that when it comes to the actual management, I am concerned. I am concerned about the prospect of, for the first time in the history of this institution, taking prospectively five closed rules and placing that in the opening-day rules package.

Similarly, Mr. Speaker, I am concerned about the prospect of taking this issue of transparency, accountability, and disclosure about which we on both sides of the aisle regularly talk because we are here to represent all of the American people, the notion of now saying again for the first time in the history of this great institution that we are going to create an opportunity whereby we will not have accountability and transparency in our very important deliberations that will take place in the Rules Committee.

And so again I would say in response to the brilliant words of President John F. Kennedy, as outlined by our distinguished majority leader, Mr. HOYER, that we do seek the right answer; and I believe that the best way to seek the right answer is through enhanced deliberation, and we have a chance to do that.

Now, I will when it comes to this vote urge my colleagues to vote in favor of title I. Title I, as you know, Mr. Speaker, simply provides a chance to use the opening rules package of the 109th Congress, and I think that that is a correct thing for us to do; and I hope the Democrats and Republicans alike, and the majority leader has just called for support of title I and I will urge the colleagues on our side of the aisle to join so that again we will be coming together and I think having the right answer on that.

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

The SPEAKER pro tempore. The gentleman from Florida has 9½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the majority leader for yielding me time.

Mr. Speaker, House rules allowing for cosponsors have yet to be adopted. Therefore, I would submit this list of cosponsors for House Resolution 6 for the RECORD.

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following sponsors are hereby added to H. Res. 6.

Louise Slaughter, David Obey, John Spratt, Zach Space, Chris Carney, Baron Hill, Heath Shuler, Steny Hoyer, James Clyburn, Rahm Emanuel, John Larson, Xavier Becerra, Chris Van Hollen, Rosa DeLauro, George Miller, Jim McGovern, Alcee Hastings, Doris Matsui, Kathy Castor, Betty Sutton, Peter Welch.

Gary Ackerman, Tom Allen, Jason Altmire, Rob Andrews, Michael Arcuri, Joe Baca, Brian Baird, Tammy Baldwin, Melissa Bean, Shelley Berkley, Howard Berman, Marion Berry, Tim Bishop, Earl Blumenauer, Madeleine Bordallo, Leonard Boswell, Nancy Boyda, Robert Brady, Bruce Braley.

G.K. Butterfield, Lois Capps, Mike Capuano, Dennis Cardoza, Russ Carnahan, Ben Chandler, Donna Christensen, Yvette Clarke, Emanuel Cleaver, Steve Cohen, John Conyers, Jim Cooper, Joe Courtney, Joe Crowley, Henry Cuellar, Elijah Cummings, Susan Davis, Danny Davis, Artur Davis, Lincoln Davis.

Peter DeFazio, Diana DeGette, Bill Delahunt, Norm Dicks, John Dingell, Lloyd Doggett, Joe Donnelly, Mike Doyle, Keith Ellison, Brad Ellsworth, Anna Eshoo, Bob Etheridge, Eni Faleomavaega, Sam Farr, Chaka Fattah, Bob Filner, Barney Frank, Gabby Giffords, Kirsten Gillibrand, Bart Gordon.

Al Green, Gene Green, Raul Grijalva, John Hall, Phil Hare, Jane Harman, Stephanie Herseth, Brian Higgins, Maurice Hinchey, Mazie Hirono, Paul Hodes, Tim Holden, Michael Honda, Darlene Hooley, Jay Inslee, Steve Israel, Jesse Jackson, Sheila Jackson-Lee, Eddie Bernice Johnson, Hank Johnson.

Steve Kagen, Marcy Kaptur, Patrick Kennedy, Dale Kildee, Ron Kind, Ron Klein, Dennis Kucinich, Nick Lampson, Jim Langevin, Tom Lantos, Richard Larsen, Barbara Lee, Sander Levin, John Lewis, Dan Lipinski, Dave Loebsack, Zoe Lofgren, Stephen Lynch, Tim Mahoney, Carolyn Maloney.

Ed Markey, Carolyn McCarthy, Betty McCollum, Jim McDermott, Mike McIntyre, Jerry McNerney, Mike McNulty, Martin Meehan, Kendrick Meek, Michael Michaud, Juanita Millender-McDonald, Harry Mitchell, Dennis Moore, Jim Moran, Chris Murphy, Patrick Murphy, Jerry Nadler, Grace Napolitano, Eleanor Holmes Norton, James Oberstar.

John Olver, Frank Pallone, Bill Pascrell, Ed Pastor, Donald Payne, Ed Perlmutter, Collin Peterson, Earl Pomeroy, David Price, Nick Rahall, Charlie Rangel, Silvestre Reyes, Ciro Rodriguez, Mike Ross, Steve Rothman, Lucille Roybal-Allard, Dutch Ruppersberger, Bobby Rush, Tim Ryan, John Salazar.

Linda Sánchez, John Sarbanes, Jan Schakowsky, Adam Schiff, Allyson Schwartz, David Scott, José Serrano, Joe Sestak, Carol Shea-Porter, Brad Sherman, Albio Sires, Ike Skelton, Adam Smith, Vic Snyder, Hilda Solis, Pete Stark, Ellen Tauscher, Bennie Thompson, Mike Thompson, John Tierney.

Stephanie Tubbs Jones, Mark Udall, Tom Udall, Nydia Velázquez, Tim Walz, Debbie Wasserman Shultz, Maxine Waters, Diane Watson, Henry Waxman, Anthony Weiner, Robert Wexler, Charlie Wilson, Lynn Woolsey, David Wu, Al Wynn, John Yarmuth, Rush Holt, Bobby Scott.

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

I enjoyed listening to my colleague and good friend, and he is my good friend, former chairman of the Rules Committee, speak about closed rules. Since he is the master of closed rules, I know he knows of what he speaks.

Title I of our rules package is, or at least should be, the least controversial part, as the ranking member has said, of what we are going to discuss over the next few hours. Title I is very simply the rules of the 109th Congress. We are taking the Republican rules from the last Congress and using this as our base. The changes we will make to improve on the previous Congress's rules will come later and will be discussed by the members of the Rules Committee. This section of the House rules package makes it clearer that the former chairperson of the Rules Committee, my friend from California, was being just a bit disingenuous when he said the other day that, and I quote him, we have not received even a draft, unquote, of the Democrats' rules. Of course he had, Mr. Speaker. They were the rules of the House that he helped draft as Chair of the Rules Committee

2 years ago. All we have done is taken the old House rules and improved them to make the House a more ethical, more democratic, more open institution.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. Of course I will yield to my friend.

Mr. DREIER. I thank my friend for yielding. I really am very hesitant to interrupt the brilliance of my good friend from Fort Lauderdale.

Mr. HASTINGS of Florida. Now that you have.

Mr. DREIER. Now that I have interrupted it, I just couldn't hesitate to interrupt when I heard that I somehow had a draft by virtue of knowing what the rules package that was put into place for the operation of the 109th Congress was? That was all we had. We had nothing whatsoever beyond the rules of the House and that is it.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Well, you helped make those rules, my good friend. Perhaps you didn't utilize the fact that you did as a draft. But in either event, I take it that I have made my point and you have made yours.

Frankly, Mr. Speaker, many of the changes to House rules that our Republican colleagues did make in 1995 and subsequently, in my opinion, were good ones and some of them we have kept. Proxy voting in committees was eliminated. That was an excellent reform. We have kept it. It is in our rules package. You gave the Speaker emergency power to recess the House and convene in another place in case of a terrorist incident. That was a good reform, and it is in the package that we have offered. You prohibited public works projects being named for serving Members of Congress. That always kind of bothered me, and I am glad that you got rid of it, and it was a good reform and it is in our package.

So, Mr. Speaker, title I, I think, is pretty straightforward. I think we should all be able to agree on it, and the distinguished ranking member of the Rules Committee has indicated he agrees. They are the Republican rules of last Congress that today's majority agrees with, draft or no draft. We will get to the changes later. But title I are the rules that today's minority wrote 2 years ago.

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

Mr. DREIER. Mr. Speaker, before I yield to my good friend from Pasco, I would simply like to ask unanimous consent to enter into the RECORD at this point a copy of the draft that we received that is dated January 2, 2007. The time stamp on that is 5:45 p.m. I was informed that we had it last night at 6:10 p.m., and it had already been circulated to those in the press gallery by that point.

I would be happy to yield to my friend.

Mr. HASTINGS of Florida. I am glad my friend yields. You do agree that the rules that you wrote are the rules that are being adopted in this section that we are talking about?

Mr. DREIER. The section that we are talking about right now is simply implementation——

Mr. HASTINGS of Florida. Can I get a yes or no?

Mr. DREIER. It is simply implementation of the rules that have existed for the 109th Congress. I clearly was talking about the rules for the 110th Congress. In fact, if the gentleman was here when I had an exchange with the distinguished new Chair of the Rules Committee when she tried to argue that we somehow were debating the rules for the 109th Congress, the Chair confirmed the fact that we are in fact considering in toto the package for the 110th Congress using as base text the 109th.

What I have here and if I am able to gain unanimous consent for this, Mr. Speaker, to include in the RECORD, is the draft which uses the 109th base text and has the proposed changes, the different titles for the proposed changes for the rules of the 110th Congress.

I would ask unanimous consent to include this draft with the date and the time on it showing that it did not fall within the 24-hour notification period of time that my friends have consistently insisted on.

Mr. HASTINGS of Florida. I object, and I reserve the right to object.

Mr. DREIER. The gentleman objects to my including the draft?

Mr. HASTINGS of Florida. I reserve the right to object.

The SPEAKER pro tempore. The gentleman reserves the right to object and is recognized under his reservation.

□ 1730

Mr. HASTINGS of Florida. I just wish to share with Mr. DREIER in the spirit of bipartisanship that mincing words with reference to whether or not you knew that this portion of the draft of the 109th rules are those of the 110th actually don't even get to the level of substance that we ought be dealing with, with something as important as the rules.

You know the rules. I agree with you that that draft that you are talking about came from the 109th; but all I am suggesting to you is that you are not surprised by anything in title I, because you participated in writing it and, therefore, I think that the record should reflect that, notwithstanding the fact.

Now, I assure you, having served on the Rules Committee with you with distinction and respecting you greatly, that you can reasonably expect that you are not only going to have 24 hours notice, you are going to have a lot of notice regarding a lot of measures that we were never accorded. And, toward that end, in the spirit of bipartisanship, I will not object to your offer.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, the simple point that I am trying to make is that we all know what the rules for the 109th Congress were. We have lived under those rules for the last 2 years. Yes, I was proud to have crafted those, working with my colleagues on this side of the aisle, and we passed those at the beginning of the Congress and we are going to have a chance in just a few minutes to vote on those again.

The point is, it is not the rules of the 109th Congress that we didn't have a draft of. We did not have a draft until January 3 at 5:45 p.m., which clearly did not comply with that 24-hour requirement that has been put forward. And that is the only point that I am trying to make.

Mr. HASTINGS of Florida. Reclaiming my time, I think the gentleman has made his point.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Is there objection to the request of the gentleman from California?

There was no objection.

January 3, 2007—5:45 p.m.

H. RES. 6

Resolved,

TITLE I. ADOPTION OF RULES OF ONE HUNDRED NINTH CONGRESS

SEC. 101. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress.

TITLE II. ETHICS

SEC. 201. That the Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 202. ENDING THE K-STREET PROJECT.

Rule XXIII is amended by redesignating clause 14 as clause 15, and by inserting after clause 13 the following new clause:

''14. A Member, Delegate, or Resident Commissioner may not, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(a) take or withhold, or offer or threaten to take or withhold, an official act; or

''(b) influence, or offer or threaten to influence, the official act of another.''.

SEC. 203. BAN ON GIFTS FROM LOBBYISTS.

(a) Clause 5(a)(1)(A) of rule XXV is amended by inserting ''(i)'' after ''(A)'' and adding at the end the following:

''(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House

may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraph (3) of this paragraph.''.

(b) Clause 5(a)(1)(B) of rule XXV is amended by inserting ''not prohibited by subdivision (A)(ii)'' after the parenthetical.

SEC. 204. VALUATION OF TICKETS TO SPORTING AND ENTERTAINMENT EVENTS.

Clause 5(a)(1)(B) of rule XXV is further amended by inserting ''(i)'' after ''(B)'' and adding at the end the following:

''(ii) A gift of a ticket to a sporting or entertainment event shall be valued at the face value of the ticket or, in the case of a ticket without a face value, at the highest cost of a ticket with a face value for the event. The price printed on a ticket to an event shall be deemed its face value only if it also is the price at which the issuer offers that ticket for sale to the public.''.

SEC. 205. RESTRICTION OF PRIVATELY FUNDED TRAVEL.

(a) PROHIBITION.—Clause 5(b)(1) of rule XXV is amended—

(1) in subdivision (A), by striking ''from a private source'' and all that follows through ''prohibited by this clause'' and inserting ''for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event in connection with his duties as an officeholder shall be considered as a reimbursement to the House and not a gift prohibited by this clause when it is from a private source other than a registered lobbyist or agent of a foreign principal or a private entity that retains or employs registered lobbyists or agents of a foreign principal (except as provided in subdivision (C))''; and

(2) by adding at the end the following new subdivision:

''(C) A reimbursement (including payment in kind) to a Member, Delegate, Resident Commissioner, officer, or employee of the House for any purpose described in subdivision (A) also shall be considered as a reimbursement to the House and not a gift prohibited by this clause (without regard to whether the source retains or employs registered lobbyists or agents of a foreign principal) if it is, under regulations prescribed by the Committee on Standards of Official Conduct to implement this provision—

''(i) directly from an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

''(ii) provided only for attendance at or participation in a one-day event (exclusive of travel time and an overnight stay).

''Regulations prescribed to implement this provision may permit a two-night stay when determined by the committee on a case-by-case basis to be practically required to participate in the one-day event.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 1, 2007.

SEC. 206. LOBBYIST ORGANIZATIONS AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Clause 5 of rule XXV is further amended by redesignating paragraphs (c), (d), (e), and (f) as paragraphs (e), (f), (g), and (h), respectively, and by inserting after paragraph (b) the following:

''(c)(1)(A) Except as provided in subdivision (B), a Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip on which the traveler is accompanied on any segment by a registered lobbyist or agent of a foreign principal.

''(B) Subdivision (A) does not apply to a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965.

''(2) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under the exception in paragraph (b)(1)(C)(ii) of this clause for a trip that is financed in whole or in part by a private entity that retains or employs registered lobbyists or agents of a foreign principal unless any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip is de minimis under rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C) of this clause.

''(3) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip (other than a trip permitted under paragraph (b)(1)(C) of this clause) if such trip is in any part planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal.''

''(d) A Member, Delegate, Resident Commissioner, officer, or employee of the House shall, before accepting travel otherwise permissible under paragraph (b)(1) of this clause from any private source—

''(1) provide to the Committee on Standards of Official Conduct before such trip a written certification signed by the source or (in the case of a corporate person) by an officer of the source—

''(A) that the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

''(B) that the source either—

''(i) does not retain or employ registered lobbyists or agents of a foreign principal; or

''(ii) is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

''(iii) certifies that the trip meets the requirements specified in rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C)(ii) of this clause and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip considered to qualify as de minimis under such rules;

''(C) that the source will not accept from another source any funds earmarked directly or indirectly for the purpose of financing any aspect of the trip;

''(D) that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal (except in the case of a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965); and

''(E) that (except as permitted in paragraph (b)(1)(C) of this clause) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal; and

''(2) after the Committee on Standards of Official Conduct has promulgated the regulations mandated in paragraph (i)(1)(B) of this clause, obtain the prior approval of the committee for such trip.''.

(b) CONFORMING CHANGES IN CROSS-REFERENCES.—Clause 5 of rule XXV is further amended by—

(1) in clause 5(a)(3)(E), striking ''paragraph (c)(3)'' and inserting ''paragraph (e)(3)''; and

(2) in clause 5(e)(2) (as redesignated), striking ''paragraph (d)'' and inserting ''paragraph (f)''.

(c) TIMELINESS OF INFORMATION.—Clause 5(b)(1)(A)(ii) of rule XXV is amended by striking ''30 days'' and inserting ''15 days''.

(d) CONFORMING AMENDMENT.—Clause 5(b)(3) of rule XXV is amended by striking ''of expenses reimbursed or to be reimbursed''.

(e) PUBLIC AVAILABILITY.—Clause 5(b)(5) of rule XXV is amended to read as follows:

''(5) The Clerk of the House shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

SEC. 207. FURTHER LIMITATION ON THE USE OF FUNDS FOR TRAVEL.

Rule XXIII is further amended by redesignating clause 15 (as earlier redesignated) as clause 16, and by inserting after clause 14 the following new clause:

''15. (a) A Member, Delegate, or Resident Commissioner may not use personal funds, official funds, or campaign funds for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire.

''(b) In this clause, the term 'campaign funds' includes funds of any political committee under the Federal Election Campaign Act of 1971, without regard to whether the committee is an authorized committee of the Member, Delegate, or Resident Commissioner involved under such Act.''.

SEC. 208. EXPENSES FOR OFFICIALLY CONNECTED TRAVEL.

Clause 5 of rule XXV is further amended by adding at the end the following:

''(i)(1) Not later than 45 days after the date of adoption of this paragraph and at annual intervals thereafter, the Committee on Standards of Official Conduct shall develop and revise, as necessary—

''(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

''(i) a connection between a trip and official duties;

''(ii) the reasonableness of an amount spent by a sponsor;

''(iii) a relationship between an event and an officially connected purpose; and

''(iv) a direct and immediate relationship between a source of funding and an event; and

''(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

''(2) In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.''.

SEC. 209. ADDITIONAL DISCLOSURE.

Clause 5(b)(3) of rule XXV is further amended—

(a) by striking ''and'' after the semicolon at the end of subdivision (E);

(b) by redesignating subdivision (F) as subdivision (G); and

(c) by inserting after subdivision (E) the following new subdivision:

''(F) a description of meetings and events attended; and''.

SEC. 210. CLERICAL CORRECTION.

Clause 5(f)(1) of rule XXV (as earlier redesignated) is amended by striking ''are'' and inserting ''is''.

SEC. 211. ANNUAL ETHICS TRAINING FOR MEMBERS, OFFICERS AND EMPLOYEES OF THE HOUSE.

(a) TRAINING PROGRAM.—Clause 3(a) of rule XI is amended by adding at the end the following new subparagraph:

''(6)(A) The committee shall offer annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House. Such training shall—

''(i) involve the classes of employees for whom the committee determines such training to be appropriate; and

''(ii) include such knowledge of the Code of Official Conduct and related House rules as may be determined appropriate by the committee.

''(B)(i) A new officer or employee of the House shall receive training under this paragraph not later than 60 days after beginning service to the House.

''(ii) Not later than January 31 of each year, each officer and employee of the House shall file a certification with the committee that the officer or employee attended ethics training in the last year as established by this subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on March 1, 2007.

SEC. 212. DESIGNATING COMMITTEE ON EDUCATION AND LABOR.

(a) Clause 1(e) of rule X is amended by striking ''Committee on Education and the Workforce'' and inserting ''Committee on Education and Labor''.

(b) Clause 3(d) of rule X is amended by striking ''Committee on Education and the Workforce'' and inserting ''Committee on Education and Labor''.

SEC. 213. DESIGNATING COMMITTEE ON FOREIGN AFFAIRS.

(a) Clause 1 of rule X is amended by—

(1) redesignating the existing paragraphs (h) through (m), as paragraphs (m), (i), (j), (h), (k), and (l), respectively (inserting paragraph (h), as redesignated, after paragraph (g)); and

(2) in paragraph (h), as redesignated, striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(b) Clause 3 of rule X is amended by—

(1) redesignating the existing paragraphs (b) through (i) as paragraphs (c), (e), (d), (i), (g), (f), (b) and (h), respectively (inserting paragraph (b), as redesignated, after paragraph (a); inserting paragraph (d), as redesignated, after paragraph (c); and inserting paragraph (f), as redesignated, after paragraph (e)); and

(2) in paragraph (f), as redesignated, striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(c) Clause 11(a)(1)(C) of rule X is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(d) Clause 2(d) of rule XII is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

SEC. 214. DESIGNATING COMMITTEE ON NATURAL RESOURCES.

(a) Clause 1(l) of rule X (as earlier redesignated) is amended by striking ''Committee on Resources'' and inserting ''Committee on Natural Resources''.

(b) Clause 3(h) of rule X (as earlier redesignated) is amended by striking ''Committee on Resources'' and inserting ''Committee on Natural Resources''.

SEC. 215. DESIGNATING COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.

(a) Clause 1 of rule X is further amended by—

(1) inserting paragraph (m) (as earlier redesignated), after paragraph (l) (as earlier redesignated); and

(2) in paragraph (m) (as earlier redesignated), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

(b) Clause 2 of rule X is amended by—

(1) in paragraph (d)(1), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''; and

(2) in paragraph (d)(2), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

(c) Clause 3 of rule X is further amended by—

(1) inserting paragraph (i) (as earlier redesignated) after paragraph (h) (as earlier redesignated); and

(2) in paragraph (i), (as earlier redesignated), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

(d) Clause 4 of rule X is amended by—

(1) in paragraph (c)(1), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''; and

(2) in paragraph (c)(2), striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

(e) Clause 5(d)(2) of rule X is amended by striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Govemment Reform''.

(f) Clause 4 of rule XV is amended by striking ''Committee on Government Reform'' and inserting ''Committee on Oversight and Government Reform''.

SEC. 216. DESIGNATING COMMITTEE ON SCIENCE AND TECHNOLOGY.

(a) Clause 1(o) of rule X is amended by striking ''Committee on Science'' and inserting ''Committee on Science and Technology''.

(b) Clause 3(k) of rule X is amended by striking ''Committee on Science'' and inserting ''Committee on Science and Technology''.

SEC. 217. SEPARATE ORDER: NUMBERING OF BILLS

In the One Hundred Tenth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as she may designate.

TITLE III. CIVILITY

SEC. 301. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 302. PROPER CONDUCT OF VOTES.

Clause 2(a) of rule XX is amended by inserting after the second sentence the following sentence: ''A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.''.

SEC. 303. FULL AND OPEN DEBATE IN CONFERENCE.

In rule XXII—

(a) clause 12(a) is amended by adding at the end the following new subparagraphs:

''(3) In conducting conferences with the Senate, managers on the part of the House should endeavor to ensure—

''(A) that meetings for the resolution of differences between the two Houses occur only under circumstances in which every manager on the part of the House has notice of the meeting and a reasonable opportunity to attend;

''(B) that all provisions on which the two Houses disagree are considered as open to discussion at any meeting of a conference committee; and

''(C) that papers reflecting a conference agreement are held inviolate to change without renewal of the opportunity of all managers on the part of the House to reconsider their decisions to sign or not to sign the agreement.

''(4) Managers on the part of the House shall be provided a unitary time and place with access to at least one complete copy of the final conference agreement for the purpose of recording their approval (or not) of the final conference agreement by placing their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.''.

(b) add the following new clause at the end:

''13. It shall not be in order to consider a conference report the text of which differs in any way, other than clerical, from the text that reflects the action of the conferees on all of the differences between the two Houses, as recorded by their placement of their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.''.

TITLE IV. FISCAL RESPONSIBILITY

SEC. 401. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 402. RECONCILIATION.

Rule XXI is amended by adding at the end the following new clause:

''7. It shall not be in order to consider a concurrent resolution on the budget, or an amendment thereto, or a conference report thereon that contains reconciliation directives under section 310 of the Congressional Budget Act of 1974 that specify changes in law reducing the surplus or increasing the deficit for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. In determining whether reconciliation directives specify changes in law reducing the surplus or increasing the deficit, the sum of the directives for each reconciliation bill (under section 310 of the Congressional Budget Act of 1974) envisioned by that measure shall be evaluated.

SEC. 403. APPLYING POINTS OF ORDER UNDER BUDGET ACT TO BILLS AND JOINT RESOLUTIONS CONSIDERED UNDER SPECIAL RULES.

Rule XXI is amended by adding at the end the following new clause:

''8. With respect to measures considered pursuant to a special order of business, points of order under title III of the Congressional Budget Act of 1974 shall operate without regard to whether the measure concerned has been reported from committee. Such points of order shall operate with respect to (as the case may be)—

''(a) the form of a measure recommended by the reporting committee where the statute uses the term ''as reported'' (in the case of a measure that has been so reported);

''(b) the form of the measure made in order as an original bill or joint resolution for the purpose of amendment; or

''(c) the form of the measure on which the previous question is ordered directly to passage.'' .

SEC. 404. CONGRESSIONAL EARMARK REFORM.

(a) POINT OF ORDER AGAINST CONGRESSIONAL EARMARKS.—Rule XXI is amended by adding at the end the following new clause:

''9. (a) It shall not be in order to consider—

''(1) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

''(2) a bill or joint resolution not reported by a committee unless the chairman of each committee of initial referral has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration;

''(3) an amendment to a bill or joint resolution to be offered at the outset of its consideration for amendment by a member of a committee of initial referral as designated in a report of the Committee on Rules to accompany a resolution prescribing a special order of business unless the proponent has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the amendment (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the proponent for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

''(4) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

''(b) It shall not be in order to consider a rule or order that waives the application of paragraph (a). As disposition of a point of order under this paragraph, the Chair shall put the question of consideration with respect to the rule or order that waives the application of paragraph (a). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

''(c) In order to be cognizable by the Chair, a point of order raised under paragraph (a) may be based only on the failure of a report, submission to the Congressional Record, or joint explanatory statement to include a list required by paragraph (a) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

''(d) For the purpose of this clause, the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other 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.

''(e) For the purpose of this clause, the term 'limited tax benefit' means—

''(1) any revenue-losing provision that—

''(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and

''(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

''(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

''(f) For the purpose of this clause, the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(b) RELATED AMENDMENT TO CODE OF OFFICIAL CONDUCT.—Rule XXIII is amended—

(a) by redesignating clause 16 (as earlier redesignated) as clause 18; and

(b) by inserting after clause 15 the following new clauses:

''16. A Member, Delegate, or Resident Commissioner may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner. For purposes of this clause and clause 17, the terms 'congressional earmark,' 'limited tax benefit,' and 'limited tariff benefit' shall have the meanings given them in clause 9 of rule XXI.

''17. (a) A Member, Delegate, or Resident Commissioner who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking minority member of the committee of jurisdiction, including—

''(1) the name of the Member, Delegate, or Resident Commissioner;

''(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

''(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member, Delegate, or Resident Commissioner;

''(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

''(5) a certification that the Member, Delegate, or Resident Commissioner or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

''(b) Each committee shall maintain the information transmitted under paragraph (a), and the written disclosures for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be open for public inspection.''.

SEC.405. PAY-AS-YOU-GO POINT OF ORDER.

Rule XXI is amended by adding at the end the following new clause:

''10. It shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit or reducing the surplus for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to—

(a) the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 used in considering a concurrent resolution on the budget; or

(b) after the beginning of a new calendar year and before consideration of a concurrent resolution on the budget, the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

TITLE V. MISCELLANEOUS

SEC. 501. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 502. DEPOSITION AUTHORITY.

Clause 4(c) of rule X is amended by adding at the end the following new subparagraph:

''(3)(A) The Committee on Oversight and Government Reform may adopt a rule authorizing and regulating the taking of depositions by a member or counsel of the committee, including pursuant to subpoena

under clause 2(m) of rule XI (which hereby is made applicable for such purpose),

''(B) A rule adopted by the committee pursuant to this subparagraph—

''(i) may provide that a deponent be directed to subscribe an oath or affirmation before a person authorized by law to administer the same; and

''(ii) shall ensure that the minority members and staff of the committee are accorded equitable treatment with respect to notice of and a reasonable opportunity to participate in any proceeding conducted thereunder.

''(C) Information secured pursuant to the authority described in subdivision (A) shall retain the character of discovery until offered for admission in evidence before the committee, at which time any proper objection shall be timely.''.

SEC. 503. RECORD VOTES IN THE COMMITTEE ON RULES.

The second sentence of clause 3(b) of rule XIII is amended by inserting ''a report by the Committee on Rules on a rule, joint rule, or the order of business or to'' after ''to''.

SEC. 504. CHANGES TO REFLECT INTELLIGENCE COMMUNITY REFORM.

Clause 11 of rule X is amended by—

(a) in paragraph (b)(1)(A), striking ''Director of Central Intelligence''; and inserting ''Director of National Intelligence'';

(b) in paragraph (b)(1)(A), striking ''Foreign'';

(c) in paragraph (b)(1)(D)(i), striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(d) in paragraph (b)(1)(D)(i), striking ''Foreign'';

(e) in paragraph (c)(2), inserting ''the Director of National Intelligence,'' before ''the Director of the Central Intelligence Agency'';

(f) in paragraph (e)(2), striking ''Central'' and inserting ''National''; and

(g) in paragraph (i), striking subparagraphs (1) through (6) and inserting in lieu thereof the following:

''(1) The activities of the Director of National Intelligence and the Office of the Director of National Intelligence.

''(2) The activities of the Central Intelligence Agency.

''(3) The activities of the Defense Intelligence Agency.

''(4) The activities of the National Security Agency.

''(5) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

''(6) The intelligence and intelligence-related activities of the Department of State.

''(7) The intelligence and intelligence-related activities of the Federal Bureau of Investigation.

''(8) The intelligence and intelligence-related activities of all other departments and agencies of the executive branch.''.

SEC. 505. TECHNICAL AND CONFORMING CHANGES.

(a) Clause 12(b) of rule I is amended to read as follows:

''(b)(1) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.''

''(2) To suspend the business of the Committee of the Whole House on the state of the Union when notified of an imminent threat to its safety, the Chairman of the Committee of the Whole may declare an emergency recess subject to the call of the Chair.''.

(b) Clause 6(b) of rule XIII is amended to read as follows:

''(b) Pending the consideration of a report by the Committee on Rules on a rule, joint rule, or the order of business, the Speaker may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the report shall have been disposed of.''.

(c) Clause 1(b) of rule XV is amended to read as follows:

''(b) Pending a motion that the House suspend the rules, the Speaker may entertain one motion that the House adjourn but may not entertain any other motion until the vote is taken on the suspension.''.

(d) In clause 2(e) of rule XV, subparagraph (1) is amended to read as follows:

''(1) If a motion prevails to discharge the Committee on Rules from consideration of a resolution, the House shall immediately consider the resolution, pending which the Speaker may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the resolution has been disposed of. If the resolution is adopted, the House shall immediately proceed to its execution.''.

SEC. 506. SPECIAL ORDER OF BUSINESS: 9/11 SELECT PANEL.

Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a resolution to enhance intelligence oversight authority. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit shich may not contain instructions.

SEC. 507. SPECIAL ORDER OF BUSINESS: 9/11 RECOMMENDATIONS.

(1) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except; (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 1 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 508. SPECIAL ORDER OF BUSINESS: MINIMUM WAGE.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 2 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 509. SPECIAL ORDER OF BUSINESS: STEM CELL.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 3 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 510. SPECIAL ORDER OF BUSINESS: PRESCRIPTION DRUGS.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4) to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 4 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 511. SEPARATE ORDERS.

(a) BUDGET MATTERS.—(1) During the One Hundred Tenth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Tenth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Tenth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority under section 401 of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Tenth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2008, the provisions of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Tenth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record—

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget; and

(ii) ''Accounts Identified for Advance Appropriations,'' which shall be considered to be the programs, projects, activities, or accounts referred to in section 401(b) of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House.

(5)(A) During the One Hundred Tenth Congress, except as provided in subsection (C), a motion that the Committee of the Whole rise and report a bill to the House shall not be in order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(B) If a point of order under subsection (A) is sustained, the Chair shall put the question: ''Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?''. Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(C) Subsection (A) shall not apply—

(i) to a motion offered under clause 2(d) of rule XXI; or

(ii) after disposition of a question under subsection (B) on a given bill.

(D) If a question under subsection (B) is decided in the negative, no further amendment shall be in order except—

(i) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(ii) pro forma amendments, if offered by the chairman or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Tenth Congress—

(1) the Committee on Armed Services may have not more than seven subcommittees;

(2) the Committee on Foreign Affairs may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) EXERCISE FACILITIES FOR FORMER MEMBERS.—During the One Hundred Tenth Congress—

(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term ''Member of the House of Representatives'' includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this subsection.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Pasco, Washington.

Mr. HASTINGS of Washington. I thank the gentleman for yielding. And I will say right up front I intend to support title I and the rules package, and I take literally what the gentleman, my friend from Florida, talked about what we can expect from the Rules Committee when we restructure, hopefully next week, as to the timing and so forth of the business that we take up.

But I want to talk about one issue that is not addressed in the proposed changes for the 110th that is in the 109th package, and that is, the requirement to have recorded votes in the Rules Committee.

What the provision in the bill and the proposed changes say is that the Rules members now will comply as the Ethics Committee does. I was the chairman of the Ethics Committee in the last Congress and the ranking member in this Congress, and we have recorded votes in those committees, but we have the option of making them public or not.

Under the proposed rules packages, for the life of me, I cannot understand why that needs to be extended to the Rules Committee. It is obvious for the Committee on Official Standards, it is obvious there. But why it is in the Rules Committee is beyond what I can understand. Now, I do understand one of the reasons is that if there are errors, then you would certainly want to be able to correct those errors.

My first term was the 104th Congress, and that is when we made some major changes in voting. Since that time, there have been 1,304 recorded votes in the Rules Committee; the number of errors in the rules report in those 12 years is zero. And I think one of the reasons why is because this is a committee of only 13. There are nine Democrats and there are four Republicans in this Congress. It was the reverse in the last Congress. As a matter of fact, I would suggest that you could probably, on most of those votes, predict what the outcome is going to be.

So why, for the life of me, we would want to take the transparency of the Rules Committee away from public knowledge is absolutely beyond me. It just simply doesn't make any sense.

So I enthusiastically support adopting the rules of the 109th Congress. It would be my wish that that would be the rules for the 110th Congress, but we are going to debate that later and we will see what happens. But, again, why we want to take transparency out of votes in the Rules Committee, and I understand there will be new members on your side, why they won't want to stand the transparency for their constituency is beyond me.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1¼ minutes to the distinguished chairman of the Agriculture Committee.

Mr. PETERSON of Minnesota. Mr. Speaker, some of us that have big huge districts use our airplanes to fly around the district to get to meetings just like some people use their automobiles, and there is concern amongst the few of us that do this about a provision in here. So, Mr. HASTINGS, could you clarify for me that it is not the intent of section 207 of House Resolution 6 to prohibit a Member to use his or her own airplane; specifically, that is not intended to apply to the use of the Members' representational allowance to reimburse a Member for mileage on his or her own airplane?

Mr. HASTINGS of Florida. I want to assure my colleagues that this is not the intent of this provision. It is not intended to apply to a Member who is using her or his own airplane, whether or not it is on his personal campaign or official business. Specifically, it is not intended to apply to the use of the Members' representational allowance to reimburse a Member for mileage on his or her own airplane. We will work closely with the Ethics Committee and the Committees on House Administration to ensure that this is how these committees will interpret the rule.

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

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the distinguished gentlewoman from Florida, my good friend, KATHY CASTOR, who is the first new Member to speak in the 110th Congress.

Ms. CASTOR. Mr. Speaker, I thank my fellow Floridian very much. And I am proud to stand here with many other new Members who are very reform-minded, and let me assure you we are ready to chart the new direction for America.

The election is over, and it is time for us to keep our commitment for honest leadership and open government rules changes. During this first 100 hours of the 110th Congress, all of us in this Congress must work together to pass key measures affecting the everyday lives of all Americans. We will begin by adopting the rules of the 109th Congress. This is the baseline proposal that is before us now. But then we shall continue on, on other proposals to clean up Washington, to sever unethical ties between lawmakers and lobbyists. We will start by banning travel and gifts from lobbyists, requiring full transparency to end the abuse of special interest earmarks, and ending the abusive processes that have undermined democracy in this House. These measures are the first steps to ensure that the Congress upholds the highest ethical standards.

Americans have paid the cost of corruption in Washington with skyrocketing prices at the pump, spiraling drug costs, and the waste and fraud of no bid contracts in the Gulf and Iraq.

No more. Reform is a top priority for this House because reform is a top priority for the American people.

As our first responsibility in fulfilling the mandate of this critical election, the Democrats are offering an aggressive reform package to restore the public trust. So, let's begin.

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

Mr. Speaker, I am very pleased that we can, in fact, join in a bipartisan way in supporting implementation of title I of this provision. And I believe that it is great that my friend from Florida (Mr. HASTINGS) began heaping praise on the many accomplishments of the 104th Congress when we implemented things like an end to proxy voting, term limits on committee chairmen, and the other items which we have which go on and on and on, increased transparency and accountability and disclosure.

I will say that, as I have said, I am very, very troubled and saddened by the inconsistency when it comes to the issue of transparency and disclosure in light of the discussion that Mr. HASTINGS of Pasco, Washington and I have had about closing down transparency in the Rules Committee now.

My friend from Florida mentioned the fact that I may be the champion of closed rules. I will admit that as chairman of the Rules Committee, I did bring more than a few closed rules here, primarily on bills that related to tax issues, which was done under the Democratic majorities of the past and I suspect will be done in the future as well. But I will say this: Never before, never before have I, as chairman of the Rules Committee, prevented the Rules Committee from having an opportunity to deliberate and including in an opening day rules package five closed rules. I am concerned as we move forward with that. We will have that debate later on. But I look forward to urging my colleagues to join in support of title I.

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

Mr. HASTINGS of Florida. Mr. Speaker, at this time I am very pleased to yield 1¼ minutes to the distinguished gentleman from Florida, who is my neighbor, Mr. RON KLEIN, who I believe is speaking for the first time.

Mr. KLEIN of Florida. Mr. Speaker, I thank the gentleman from Florida and my new friend from California. My name is RON KLEIN, and today I am proudly sworn in as all of us were in the new Congress, and I represent Florida's 22nd district. I believe I can speak on behalf of all my fellow freshmen colleagues today in saying that we are all truly honored to be here to represent the value of America's families.

It is time to bring a new direction to Washington and promote honesty, integrity, and real leadership in the United States Congress. That is why we have introduced an ethics reform package that will restore the public's trust and confidence in Congress. Those of us who were just recently on the campaign trail heard that frequently, and we know we need to do something about it.

One of these reforms has been introduced by my colleague, ZACK SPACE from Ohio's 18 district, and it is a measure banning Members of Congress and their staff from accepting gifts from lobbyists. This bill will also put a stop to the common but inappropriate practice of allowing Members of Congress to use money from their campaign coffers to pay for corporate jets for travel purposes.

□ 1745

Letting special interests run the Congress is simply not right, and we have a responsibility to put a stop to this unscrupulous practice.

Simply put, it is time to return Congress to the people's House, not the auction house. I congratulate Speaker PELOSI, and all of the Members of Congress who were sworn in today, and I ask all Members to join us in these new policy changes.

The SPEAKER pro tempore. Pursuant to House Resolution 5, the previous question is ordered on the portion of the divided question comprising title I.

The question is on that portion of the divided 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 vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 6]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
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 (IL)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt

Tiberi	Walz (MN)	Wexler
Tierney	Wamp	Whitfield
Towns	Wasserman Schultz	Wicker
Turner	Waters	Wilson (NM)
Udall (CO)	Watson	Wilson (OH)
Udall (NM)	Watt	Wilson (SC)
Upton	Waxman	Wolf
Van Hollen	Weiner	Woolsey
Velázquez	Welch (VT)	Wu
Visclosky	Weldon (FL)	Wynn
Walberg	Weller	Yarmuth
Walden (OR)	Westmoreland	Young (AK)
Walsh (NY)		Young (FL)

NOT VOTING—8

Brown (SC)	Jackson-Lee (TX)	McCaul (TX)
Buyer	Maloney (NY)	McCrery
Davis (KY)		Norwood

□ 1811

Mr. KING of Iowa changed his vote from ''nay'' to ''yea.''

So that portion of the divided question 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. MCCAUL of Texas. Madam Speaker, on Rollcall No. 6 with family in town I was given insufficient notice of the vote. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The portion of the divided question comprising title II is now debatable for 60 minutes.

The gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from California (Mr. DREIER) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, it may seem like the November elections took place ages ago, but the sentiments that created new majorities in the House and Senate are still strong.

The American people spoke loud and clear on November 7. Together, Republicans and Democrats and independents from across this great Nation voted for change. They voted to end the cycle of corruption, pay to play, and junkets.

Today, Mr. Speaker, the new Democratic majority is fulfilling the pledge we made to the voters. We are going to clean up Washington, D.C. We are going to give the people their House back.

Two years ago my friends on the other side of the aisle brought forward a rules package that, in my opinion, did not go nearly far enough in upholding the highest ethical standards. Today we offer a package that is based on real change. Members of Congress are elected to serve the American people, not their own individual private interests. And I am proud to say that today, this House of Representatives will enact a reform package that ends the culture of corruption once and for all. The days of the K Street project are over. No longer will Members of this House be able to dictate to any private entity the hiring or firing of anyone based on their political affiliation.

This rules package prohibits Members of Congress from traveling on corporate jets. My constituents in Massachusetts don't have the opportunity to get cheap travel on corporate jets and neither should Members of Congress.

□ 1815

Mr. Speaker, this rules package also changes the way Members of Congress and staff can travel for official business. I strongly believe that overseas trips and other travel can be important tools to helping Members of Congress understand complex domestic and international issues.

But the days of lobbyist-sponsored golf junkets will be relics of the past. The actions this package takes are simple and straightforward: no more junkets, no more gifts from lobbyists, no more travel on corporate jets.

This rules package is comprehensive, and it is historic. We are going to change the way this place is run, and we are going to change the way people look at the Congress. The American people don't want to pick up their morning newspapers and read about golf junkets to St. Andrews. They don't want to hear stories about how their Congressman or Congresswoman was wined and dined with $100 steak dinners.

Mr. Speaker, this is not complicated. These are commonsense items that should have been dealt with years ago. The time has come to do what is right, to hold Members of this House to the highest ethical standards.

With the election of NANCY PELOSI as Speaker of the House, the first woman Speaker in the history of the United States, Democrats are ushering in a new era and putting an end to the culture of corruption. We are changing the tone in Washington, and we are changing the way we conduct business.

Now, I know full well that the ethical problems of the past were not limited to one side of the aisle, and the solutions to those problems can and should come from both Democrats and Republicans. I know that many of my Republican friends agree that change is needed, and they wish that their leadership in the past would have moved forward on some of these changes. I look forward to working closely with them in the weeks and the months ahead.

Mr. Speaker, the American people demand, and they deserve, a higher standard of conduct from their elected officials. Today, we are raising the bar for how Members of the 110th Congress will carry out their duties and do their jobs.

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

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

Mr. Speaker, I rise in support of this package. Once again, I think we will have an opportunity for bipartisanship. The issue of ethics and lobbying reform is something that we believe is very, very important. As I sit here today, I am reminded of the fact that 1 year ago this month, Speaker HASTERT and I stood right upstairs in the press gallery and unveiled a package for lobbying and ethics reform, which was maligned by many of our colleagues, unfortunately.

But I will say that I am very pleased with the fact that we were ultimately able to pass out of the House our measure, which did a number of things that I am happy to see are incorporated in this provision that is coming forward from the new majority.

The thing that troubles me most, Mr. Speaker, is the fact that this was done in a unilateral way. We are all very proud of the fact that we have a working, strong, vibrant bipartisan Ethics Committee. It would have been great if we could have had the Ethics Committee come forward with these recommendations.

There has been no consultation whatsoever between the majority and the minority, although I will say, again, I congratulate those Members of the new majority for including, including many of the items that were either incorporated in H.R. 4975, which was our lobbying and disclosure act that we passed out of the House last year, and some of the provisions that Speaker HASTERT and I outlined a year ago this month: free clearance of travel, a ban on travel and an end to gifts. An end to the K Street Project. These are all very important reforms that I do think are essential.

I will say this, Mr. Speaker, as I listen to my very good friend from Massachusetts, and I congratulate him on his new position in the majority on the Rules Committee, what happens between today and March 1 of this year? Well, let us see, we have the month of January and the month of February, and, guess what, under this package, the status quo in the 110th Congress, under the Democratic majority, remains in place without any kind of reform or change.

So I have got to ask rhetorically, anyone who wants to answer as to why we are waiting until March 1 before we see any kind of implementation here. They want to see guidelines put forward, maybe by the Ethics Committee. If that is what they would like to do, why don't we impose an immediate ban until they come up with recommended guidelines?

So I will say that as I listen to these proposals, they are interesting, I am very pleased that they have incorporated them. I don't believe they go far enough. In a few minutes, my colleagues, Mr. KIRK and Mr. SHADEGG, will be talking about concern on the pension issue, which unfortunately has been left out of this, but I do believe

that by and large this is a measure that is going to be worthy of bipartisan support, and I am going to urge my colleagues to support it.

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

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

Mr. Speaker, let me just say to my good friend from California, whom I have a lot of respect for, there is a big difference between what his leadership proposed in terms of higher ethical standards and what is being proposed here today. I have got to say to the gentleman that we include a little bit more than just banning lobbyists from the locker rooms. They are banned from the locker rooms in this bill, but there is a heck of a lot more.

Mr. DREIER. Will the gentleman yield? If you will recall, we passed H.R. 4975.

Mr. MCGOVERN. I am in the middle of my statement. I would also say to the gentleman that his party has been in control for 12 years, and there has been ample opportunity to change the status quo. The gentleman's party not only embraced the status quo, but we saw a proliferation of the culture of corruption, and that is what this is a response to. In answer to the gentleman's question as to this March 1 deadline, that is to give the Committee on Standards of Official Conduct ample time to put the rules and regulations and the disclosure requirements into place so that this can be an effective change.

So this is real historic change. We are going to end the culture of corruption in this Congress today. I am glad that the gentleman has said that he is going to support it. I hope that this is a bipartisan vote.

Mr. Speaker, I yield 5 minutes, for the purpose of debate, to the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. Mr. Speaker, I rise today to ask you to support this historic rules package. The winds of change have brought me here. I don't think it is too much to say that my very presence before you constitutes a message to this body, a message sent from the good people of Ohio's 18th District. By these presence, I wish to deliver this message on behalf of my constituents.

The message is that the legislative process is broken. Rather than serving the needs of working families, this Congress has shown through past actions a preference for serving interests of the privileged few. Nowhere has this been more clear than in the influence wielded by lobbyists. The influence of lobbyists has compromised the reputation and even the health of this body.

In order to restore the integrity to this Chamber and restore America's faith in its elected officials, we must undertake substantial ethics reform. Our actions today will not only enhance the most fundamental principles of a democratic society; they will remind our constituents that we are a body of the people and not above the people.

The package before you will breach the circle of deceit between lobbyists, their wealthy clients, and this body. It represents long overdue real ethics reform. It bans House Members and their employees from accepting gifts from lobbyists and the organizations that hire them. It prohibits lobbyists from paying for or organizing Member travel, and it eliminates the all-too-common practice of legislative jet-setting. In short, the ethics package is the first step toward restoring integrity and beginning the process necessary to restore faith in our system of government.

Coming from a district whose previous Congressman became mired, and then consumed, by scandal, my fellow district residents and I understand all too intimately the perils associated with weak and loosely monitored ethics regulations.

We have suffered the frustration, disappointment, and anger associated with betrayal. We have suffered from not having a Member of Congress available to attend to the needs of the citizens of our district. But we are not alone. Other districts have suffered similar letdowns. That is inexcusable, and it is unconscionable.

At a moment in time when our Nation needs truly heroic leadership, as the challenges of the changing world continue to grow, this body has failed to step up and lead. The institution of Congress has failed to make clear its commitment to the principles of democracy; and it has frustrated, disappointed, and angered the American public.

The winds of change have, indeed, blown many among us into this Chamber, and there is much work to do.

We cannot begin our work in good faith without this declaration today that we are of, and not above, the American people. The time to act is now. We have an extraordinary burden to prove to those who have given us this honor. We must make clear to them that we are representing their interests, not bartering legislative favors in order to gain gifts and trips.

I ask my colleagues to join me in supporting this important ethics reform package.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Omaha, Nebraska (Mr. TERRY).

Mr. TERRY. Thank you, I appreciate this opportunity.

Mr. Speaker, to the gentleman from Ohio, the new Member who just spoke, I appreciate and respect his point of view. I will add, though, that the disgust, the frustration with the ethics violation, the disregard for the public's trust in this body because of a few of our colleagues isn't relegated to one side of the aisle or the other, nor one district or the other.

I think all of us in this institution today that took the oath of office are disgusted by the past; and that is why this body that last May passed a comprehensive ethics bill, which mostly was incorporated in this one, ironically, I think, it is fairly humorous, that most of our colleagues on the other side voted against it because it was not good enough, yet substantially similar to the one that is brought forward without our input into the process today.

Now I stand here today saying this isn't good enough. We could have done a better job of tightening down with lobbyists and gifts. Frankly, I don't know how to interpret the plane part, but I am concerned about establishing the public trust when someone accepts bribes.

In our package that was voted against by a lot of our colleagues from the other side of the aisle that are pounding their chests today, in that was saying that you cannot receive the fruits that you earned during your tenure in this office if you have violated the public's trust.

That is not part of the bill that stands before us today. If you have accepted a bribe, you are convicted of a felony and are sitting in jail, you should not be able to accept the part of the government-funded pension or other government-funded benefits that you earned while you were here. You just simply cannot do that.

My folks back in Nebraska think that is absolutely absurd. I just wish we had a process in place where we could have worked in a partnership to improve this bill, to make it better. But we didn't have that opportunity, and I don't have the opportunity on behalf of my Nebraskans, who feel that it is absurd that you have cash in a freezer, that you can accept bribes like we had in a California or in an Ohio district, and still accept your pension. I think it is absurd that we don't have that opportunity today.

Frankly, the fact that those folks that voted against a comprehensive ethics reform package introduced one without Republican input to improve the bill smacks of partisanship to me. I thought we were going to clear the decks of that and start working together for the public good, and it just doesn't seem like it is happening today.

That is a poor start for civility in this body.

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

Let me just educate the gentleman that the change that he is asking for requires a statutory change. Today we are dealing with the House rules. I will assure the gentleman and his constituents in Nebraska and people all over

the United States who agree with him that we will have the opportunity to do that. We will go through House Administration and you will have the opportunity to do that. We will hopefully have a unanimous vote on that.

□ 1830

I am also happy to hear the gentleman and others on the other side of the aisle all of a sudden speak in favor of ethics reform and real change and ending the culture of corruption in this House. It is amazing what an election will do.

With that, Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. SUTTON), a new member of the Rules Committee.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

I rise in strong support of the rules package.

Trust is a fragile thing. It is difficult to win, but easy to lose. It finds its hold on promises kept and honesty sustained and unquestionable integrity.

As the representative of the 13th District of Ohio, I am honored to rise on this historic day to speak for the first time on the floor of the people's House.

And in so rising, I am proud that I do so to keep the faith with the people who sent me here to serve.

With our actions today, on this first day of the reform Congress, we begin to fulfill the awesome responsibility entrusted to us by the American people.

We have heard the call for change and it shall be heeded. Today, we sever the links between those who would buy influence on Capitol Hill and those who would willingly sell it.

We act to clean up the corruption which has eroded the public trust and resulted in far too many policies that benefit the well connected and the privileged few, at the expense of the greater good.

Title II of our rules package does just this. We end the K Street Project, which took peddling of access and influence to soaring new heights. We act to eradicate the cronyism and corruption. We cut off the gifts, the perks and travel wielded by special interests. We take the darkest inner workings of government and sanitize them with the light of day.

We will work to adopt this set of anti-corruption reforms to dismantle the dark corridors and backrooms and avenues to abuse that have allowed corruption to grow and flourish.

We will beat back the culture and abuses that have hurt the American people, both in policy and in spirit.

Today, we heed the call to put a halt to the corruption that has tarnished this House.

Trust is a fragile, sacred thing. And we, in the new 110th Congress, will protect it with all the power of our office.

Mr. DREIER. Mr. Speaker, let me, again, say that we look forward to supporting this package, much of which, the items that the gentlewoman just outlined, were included in H.R. 4975, which passed this House last May with strong bipartisan support.

Mr. Speaker, with that, I yield 2 minutes to my very good friend from Highland Park, Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, this House needs more ethics reforms, rather than less. And the package before the House makes a positive step, but falls short in several key areas.

The most important ethics reform that is missing from this package concerns taxpayer-funded pensions for Members of Congress convicted of a felony. Under current law, both Congressmen Traficant of the Democratic Party and Cunningham of the Republican Party would still be eligible to collect a taxpayer-funded pension, even after being indicted and convicted beyond a shadow of a doubt by a jury of their peers of a felony.

Stopping taxpayer funded pensions for lawmakers who break the law is not a new issue. My home State of Illinois, a State not known for its clean government, in that State, we, at least, kill pensions for lawmakers who break the law, and we have done so for 30 years.

Ten years ago, Speaker PELOSI voted for H.R. 4011. That would have killed pensions for Congressmen for a conviction on any one of 21 separate felonies. She was right then, and it would be right now to terminate taxpayer-funded pensions for lawbreakers.

Mr. Speaker, Democratic Congressman BRAD SHERMAN and I joined to support these very reforms in the last Congress. And we, at least, passed limited reforms and allowed the Senate at least to consider them.

But today, the 100 hours fails to take up this issue. None of these pension killing reforms are in the package or are currently scheduled.

I take what the gentleman from Massachusetts (Mr. MCGOVERN) says very seriously, that he has made a commitment to bring up legislation to kill pensions for Members of Congress convicted of a felony.

I have introduced legislation, H.R. 14, to do exactly that, modeled after the legislation supported by former Speaker HASTERT as well as Speaker PELOSI. These are commonsense reforms, already part of the law of the land in the land of Lincoln, and long ago should be part of the ethics reforms of this House.

Mr. MCGOVERN. Mr. Speaker, let me just respond to the gentleman from Illinois (Mr. KIRK) by saying I know I am from Massachusetts, and you may think I have a funny accent and you have trouble understanding me. But let me repeat what I said before. In order to make the changes on the pension issue that he is asking for, which we all support, it requires a statutory change. And I think the staff over there will help clarify that. We are all for that.

In H.R. 4011, which Ms. PELOSI supported that you mentioned was a statute. We are going to do that.

Let me just say one other thing to the gentleman. You keep on referring to your ethics reform package as if it was some kind of this monumental change and reform.

You didn't ban the K Street Project, which has really resulted in so much outrage across the country. You had a temporary suspension on the issue of travel, and you had no ban on lobbyists' gifts.

This is real reform. We are going to end the culture of corruption.

With that, Mr. Speaker, I yield for the purpose of debate only 2 minutes to the gentlewoman from New York (Mrs. GILLIBRAND).

Mrs. GILLIBRAND. Mr. Speaker, the honorable Member from my neighboring district, I am honored to be here. My new colleagues, thank you for the opportunity to speak on such an important issue.

The voters of my district and this Nation were very clear about this past election. They want change. They want real ethics reform, and they want our country to be placed in a new direction. This is what we are here to do today. We are going to restore the ethics and integrity back to Congress.

I am honored to be here today to have the opportunity to help do that restoration and take an important step to end the influence and corruption in Congress that special interests have over the legislative process.

The honest leadership package that we are voting on today and tomorrow specifically addresses the concerns that the American people have had about the legislative process and about our elected leaders. This legislation will end the practice of privately funded trips from lobbyists. If I take an official trip, my congressional budget will pay for it. If I take a vacation, I will pay for it. That is how it should be for everyone.

I also pledge to my constituents, and will vote as part of this legislation, to never accept any gifts from lobbyists, nor will my staff.

My job, and all of our jobs, is to represent the citizens of our districts. And this is the only group that I will be answerable to.

I encourage my colleagues to join me in voting in favor of ending the culture of corruption and providing the environment where we can get back to what is most important, working for the people of the United States.

Thank you, Mr. Speaker, for the opportunity to speak on this very important issue to the constituents of my 20th Congressional District of New York.

Mr. DREIER. Mr. Speaker, let me just, before yielding to the gentleman from Marietta, say very quickly again, the legislation that passed the House,

H.R. 4975, specifically banned the K Street Project. Look at the language. It is virtually identical. We focused on the issue of lobbyist travel and gifts. And I believe that we can come together in a bipartisan way. We want to work in a civil tone, as was outlined by Speaker PELOSI today.

Mr. Speaker, with that I am happy to yield 3 minutes to my very good friend, former member of the Rules Committee, the gentleman from Marietta, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I was surprised when reading title II of this resolution, as it looks conspicuously like the ethics package passed by the Republican majority last Congress; the ethics package that only eight Democrats voted to support. I suspect today more than eight Democrats will finally agree with the Republicans that meaningful ethics reform is a priority of the American people.

In fact, the most obvious change in the Democratic package is the overly partisan and adversarial tone, adding headlines like ''Ending the K Street Project'' to language that was included in the Republican legislation. And for what purpose other than a partisan poke in the minority's eye?

Democrats campaigned on the promise of a more open and inclusive government, assuring us of their bipartisan intentions. Well, today, on the first day of the 110th, that promise has been broken. Indeed, it has been smashed.

Additionally, as the focus of title II is on fostering a spirit of civility, I find it particularly troubling that the Democrats have decided to allow only 10 minutes of debate, 5 minutes on each side, on title V of this resolution, which we will take up tomorrow.

During this brief 10 minutes of debate, we will dramatically change the way the Rules Committee does business and outline the process by which five bills, including stem cell research, the 9/11 Commission recommendation, and minimum wage legislation will be considered. That is not even 2 minutes per proposal.

So this is hardly, Mr. Speaker, the tone of civility my colleagues on the other side of the aisle are promising to foster in the 110th Congress.

The American people and the Members of this body expect more from the Democrats. Their false promises of bringing a new age of bipartisanship and transparency to the halls of this Congress have clearly not materialized, despite the insistence on this by my former colleague, Mr. MCGOVERN, while a minority member of the Rules Committee who stated, on September 28, 2006, while discussing the Electronic Surveillance Modernization Act, and I quote, ''If my Republican friends want that trend of closed rules and no amendments, of no democracy in the House to continue, then, by all means, vote for this. Just go along to get along. But if you believe, as I do, that the monopoly on good ideas is not held by a few members of the leadership in a closed room, then vote ''no.'' Have the guts to vote ''no.'' End quote.

Mr. Speaker, I know why the Democratic leadership is trying to limit debate on these liberal bills, but the American people deserve to have a voice in this process, the voice of their elected representatives. Today, it is clear we have been denied that voice.

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

Let me just say, respond to my good friend from Georgia (Mr. GINGREY), who I am going to miss on the Rules Committee, if he thinks that the Republican reform package was meaningful reform, I will lend you my bifocals so you can read it more carefully. What ended up happening, what you ended up enacting essentially, after 12 years in the majority, was banning lobbyists from the locker room. That is all that became law.

You controlled the House of Representatives. You controlled the Congress. And you controlled the United States Senate, and that is basically all that you did.

So I would just say to the gentleman, if he wants to vote ''no'' on this, he can go right ahead and vote ''no'' on it. But that is defending the status quo.

I think the American people made it very clear during the last election that they are sick of the culture of corruption; that they want a ban on lobbyists' gifts; that they want an end to the K Street Project. They want a ban on Members using corporate jets to fly around the country. And so if you want to vote for the status quo, vote ''no'' on this. If you want to vote for real meaningful change, vote ''yes.''

Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, thank you to the gentleman from Massachusetts for yielding time.

Dear colleagues, it is my great privilege to rise today for the first time as the Representative for New Hampshire's Second District. It is humbling to serve with so many men and women I have admired for so long and to stand in this Chamber, hallowed by American history as the people's House.

But while today is dedicated, in part, to celebration, there is no time to waste in fixing the ills that have plagued this House in recent years.

Traveling across my State of New Hampshire this fall, I heard one clear, consistent message from voters—from Democrats, Independents and Republicans. We are fed up with the mess in Washington. Go down there and fix it.

Mr. Speaker, while most Americans see Congress as somewhat distant from their lives, they probably couldn't rattle off the names of Congressional leadership, for example, or quote bill numbers, they do understand with absolute clarity when Members of Congress are working for them or when Members of Congress are working for themselves.

□ 1845

Now, the Democratic ethics reform package is much needed and it is long overdue. While some in this body may bristle at its stringency, and some are now heard to complain, apparently, that it doesn't go far enough, as a new Member, I can tell you that it is only logical and only just to make these changes to the House rules, starting today and starting now.

We must ban gifts and travel from lobbyists, we must put a stop to the pernicious K Street Project, we must reform the way we spend taxpayers' money and the way we write and pass the bills meant to protect taxpayers' interests.

I strongly support the adoption of the Democratic rules package. I urge my colleagues on both sides of the aisle to vote ''yes.''

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to congratulate the gentleman from New Hampshire. We welcome him here. Unfortunately, this package doesn't start today and start now. It starts March 1 of 2007, 2 months from now.

I also want to say to my very good friend from Massachusetts once again that if you look at the package that we passed in May of last year, it is a package that enjoyed bipartisan support. It is one of which we are very proud. And I believe that if you look at the fact that we did go beyond preventing registered lobbyists from coming onto the House floor and the gym, we are doing many of those same things here. It has been done before.

And that is why we are proud to be here in support of this effort, which, again, some of us believe does not go far enough and there are some problems with it, but we do believe it is a positive step. Why? Because it is a reaffirmation of what Speaker HASTERT led us to last year.

With that, Mr. Speaker, I am very happy to yield 4 minutes to my good friend from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding, and I want to express my concern about the tone of this debate. Let me make it clear: I compliment my colleagues on the other side of the aisle. Ethics reform is needed here, and today you are making a good first step. But please listen carefully to those of us on this side of the aisle who will vote with you for this package when we implore you to go further and when we take some credit for the efforts of the past.

It is true that we passed as a law through this House, sadly the Senate did not follow suit, a bill that corrected many of these things. Your bill,

in some respects, goes further, but some of us are concerned that it needs to go even further. And it is not because we are revisionists.

I have campaigned in this body and out of this body throughout my career for reform. I believe it is not enough just to do so-called lobbyist reform. We must direct our ethics reform at the Members of this institution. And one way to do that is a way that was recognized by our new Speaker a decade ago, and that is to say that the Hiss Act, passed clear back in 1954, which said a Member of Congress who was convicted of bribery would lose his or her pension, should be reinstituted, because it was repealed in 1961.

Over a year ago, watching what I was disappointed in in the criminal conduct of some Members of this body, I introduced a bill with 57 cosponsors saying that any Member, any Member, Republican, Democrat or otherwise, convicted of bribery in connection with their office ought to, at an absolute minimum, lose their pension. And I believe that is the standard we owe the American people, and no less.

My colleague says this is just a rules package, but this is your first hundred hours. There is no rule that says you could not have brought a statute, and I implore the gentleman and tell him that I will join with him, as will my colleague from Illinois and my colleague from Nebraska, each of whom had introduced bills a year ago or more seeking to prohibit Members from collecting a taxpayer-funded pension when they have, as the gentleman from Massachusetts pointed out, used this office not as one of public trust but one of public abuse to benefit themselves.

There is no time for delay. Pass a reform now punishing Members who misuse their office. Take away their pensions and do it now.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume, and I will commit to the gentleman from Arizona that we are going to enter into that exchange, and I look forward to having that statute on the floor where he can speak in favor of it and we can speak in favor of it too.

Let me also, Mr. Speaker, correct the record. The distinguished former chairman of the Rules Committee said none of this ethics reform takes place for 4 months. That is true on the travel, and I clarified that earlier as to why that is the case, so we had time to implement the rules and regulations of disclosure. But everything else, I will assure him, takes place immediately.

So once this ethics package passes, I would urge my colleague from California not to go out to dinner with any of his lobbyist friends because he might be breaking the law.

Mr. Speaker, I yield for purposes of debate only 2 minutes to the distinguished gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Speaker, I rise today representing Florida's 16th District and a voice in support of title II of the rules of the House relating to ethics reform in the House of Representatives.

Today, Democrats, and I hope with the support of our Republican colleagues, will pass an aggressive reform package that keeps our promise to the American people and reforms how we do business here in Washington. These ethics reforms mark an end to a tragic era in American history where the pursuit of power has cost us the faith of the American people.

We are here today to rebuild America's trust and make a promise that never again will special interest trump the interest of this great Nation. As Americans communicated on election day, they want political debate and they want the ability to choose. They are not interested in monopolies by either party on political power.

As we move forward, we can only solve the key challenges facing this great Nation by reestablishing the credibility, our credibility, to the American people. Under the new House leadership, the era of special interest politics will end and hardworking families, not lobbyists, will have a voice in Congress again.

I urge my colleagues to support these important changes to the House ethics rules.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 14½ minutes remaining, and the gentleman from Massachusetts has 9½ minutes remaining.

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

Mr. MCGOVERN. Mr. Speaker, at this time it is my privilege to yield 2 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Speaker, I appreciate the opportunity to address the body and speak to the issue of finance, ethics, and other reform that is before the body; and I do it in support of those you have already heard today, many of whom represent the outrage, as has been mentioned, of their constituencies because of situations that were faced by those that they ran against. It is an opportunity that we had to send a clear and positive message to the American people that what they called for in this past election is going to be carried out.

The exit polls all across this country reflected that the number one issue, the number one issue on which the voters cast their vote in the election of 2006 was concern about ethics and reforming ethics. We owe it to the American people, we owe it to all those in this body, and I sincerely recognize that everyone in this body is committed to this. We owe it to all of those to articulate and enact a rules package that incorporates this significant reform.

It is a privilege and an honor for me to stand in support of this package and in support of the ethics reforms being called for by the American people.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that I do congratulate my colleagues. I want to begin by saying as a Californian that I am very proud of the fact that California has provided the first female Speaker of the House of Representatives. Similarly, I have congratulated our colleague, Ms. SLAUGHTER, who will be the first woman to chair the Rules Committee in our Nation's history.

This has been a historic day and I believe a very exciting day for us. I am pleased that we have been able to do a number of things already in a bipartisan way, and I think this issue of ethics and lobbying reform, building on the reforms that we passed in the 109th Congress, utilizing those very positive provisions, is exactly what we are about to vote on here in just a few minutes; and I think that it is a time when we can be civil.

And I will say to all of my friends on both sides of the aisle, the American people want us to deal with these problems, and I will reaffirm my commitment to my colleagues on the Rules Committee that I will continue to strive to comport myself in the most dignified way possible in dealing with my colleagues, and I urge support of this very important measure.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to say to my colleague from California (Mr. DREIER) that I appreciate his words of cooperation and bipartisanship, and I do hope, and it is my belief, that you will see a change in terms of more outreach across the aisle and more respect, quite frankly, for the opinions of every single Member of this House.

I agree this is a historic day. This is not only a historic day because we have elected the first woman Speaker of the House in the history of the United States of America, but this is also a historic day for what we are about to vote on. We are about to change the way we do business here in Washington. We are responding to what the American people made very clear on election day, that they are tired of the ethical lapses of their leaders in government; that they want an end to the culture of corruption; that they want a government that has high ethical standards; that they want Members of Congress to adhere to those high ethical standards and, if they do not, that they will be held accountable. So what we are doing today in this ethics package, I think, is also an important moment in our history.

What we are doing is we are doing what is right. We are holding the Members of this House to the very highest ethical standards. And I want to say to my colleague from Arizona (Mr. SHADEGG) that I agree with him on the pension issue. So do, I think, everybody on our side of the aisle. And we are going to address that and we are going to hopefully get a unanimous vote on that issue, because he is right on that issue. But, again, we are not dealing with that. That requires a statutory change, and today we are dealing with the House rules.

Mr. Speaker, what we are doing here today, I will remind my colleagues again, is very important. We are ending gifts by lobbyists to Members of Congress, we are banning the use of corporate jets for Members of Congress for a minimal price so that they can take a corporate jet and fly anywhere in this country. No one else can do that, yet that has been a practice by too many Members in this Congress. That will be banned.

We will end the lobbyist-sponsored golf junkets. They will be relics of the past. This is a new day. This is a day where ethics and where integrity are going to hold a very, very high place. We are going to end the culture of corruption with this vote, and I urge my colleagues on both sides of the aisle to vote ''yes'' on that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of Title II of H.R. 6, the Rules of the House of Representatives for the 110th Congress. With the adoption of this title, we begin to make good on our pledge to ''drain the swamp'' and end the ''culture of corruption'' that pervaded the 109th Congress.

Mr. Speaker, it is critically important that we adopt the ethics rules contained in Title II because Americans are paying for the cost of corruption in Washington with skyrocketing prices at the pump, spiraling drug costs, and the waste, fraud and no-bid contracts in the Gulf Coast and Iraq, for Administration cronies like Halliburton.

Ethics and legal scandals plagued the Republican Congress—from the resignation of Reps. Tom DeLay and Duke Cunningham to the admission of illegal or improper conduct by Reps. Bob Ney and Mark Foley.

The cozy relationship between Congress and special interests we saw during the 109th resulted in serious lobbying scandals, such as those involving Republican super lobbyist Jack Abramoff. In this scandal, a former congressman pleaded guilty to conspiring to commit fraud—accepting all-expense-paid trips to play golf in Scotland and accepting meals, sports and concert tickets, while providing legislative favors for Abramoff's clients.

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 majority of House Democrats. That is why as our first responsibility in fulfilling the mandate of this critical election, Democrats are offering an aggressive ethics reform package. 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.

Mr. Speaker, I commend Chairman SLAUGHTER and the members of the Rules Committee for their excellent work in preparing this ethics reform package. The reforms contained in the package are tough but not nearly too tough for persons elected to represent the interests of the 600,000 constituents in their congressional districts. Indeed, similar bipartisan lobbying and government reform proposals were debated and passed by the House and Senate in 2006 but the Congress failed to reconcile the two versions.

Mr. Speaker, I support each element of the ethics reform package, which bans gifts from lobbyists; bans lobbyist financed trips and travel; requires pre-approval and certification for travel financed by outside groups; prohibits use of corporate aircraft; ends the notorious K Street Project; and mandates ethics training for all House employees.

BANS GIFTS FROM LOBBYISTS

Members of Congress are paid enough by the taxpayers to afford to pay for their own meals. Lobbyists can make their case by providing Members of Congress accurate, reliable, and persuasive information. Thus, it is appropriate that the House rules should ban gifts, including meals and tickets, from lobbyists and the organizations that employ them, and require that tickets to sporting and other events given to Members and staff by non-lobbyists are valued at market price.

BANS LOBBYIST TRAVEL

Another reform that I support is the ban on lobbyists and the organizations that employ them from financing travel for Members or staff, except for one-day travel to visit a site, attend a forum, participate in a panel, or give a speech. As the scandal involving Jack Abramoff revealed, lobbyist financed travel led to serious abuse. The new rules do not ban such travel altogether but directs the Committee on Standards of Official Conduct to develop guidelines for minimal lobbyist involvement for one-day/one-night travel. It should be noted, however, that travel provided by a private university is not to be affected by anything in the rules package.

REQUIRES CERTIFICATION AND PRE-APPROVAL FOR TRAVEL PAID FOR BY OUTSIDE GROUPS

I also support the travel certification and pre-approval provisions. The new ethics rules require sponsors of all other permitted travel to certify that they have abided by all restrictions on lobbyist involvement and requires Members and staff to obtain pre-approval from the ethics committee for travel to ensure trips are connected to official duties, the amount spent is limited to reasonable expenses, and the destination is related to the purpose of the trip. The rules require the full disclosure of all travel within 15 days after the trip. Travel provisions take effect beginning on March 1, 2007.

PROHIBITS USE OF COMPANY PLANES

Next, the new rules prohibit the use of official, personal or campaign funds to pay for the use of non-commercial, corporate jets. This provision does not apply to charter plane services or to airplanes owned by Members.

ENDS THE K STREET PROJECT

Clarifies that no Member can take or withhold an official act, or influence, or offer or threaten to influence, the official act of another with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity.

MANDATES ETHICS TRAINING

Finally, and effective March 1, 2007, the new rules require the Committee on Standards of Official Conduct to offer annual ethics training to members, delegates, the resident commissioner, officers and employees of the House. This training would be required to involve the classes of employees deemed appropriate by the committee and must include the aspects of the Code of Official Conduct and related House rules deemed appropriate.

The required training is to be provided to new officers or employees within 60 days of their employment, and each officer or employee is to file a certification with the committee by January 31 certifying that they have attended training in the past year.

CONCLUSION

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 start by adopting Title II of H.R. 6, the ethics reforms to the Rules of the House of Representatives for the 110th Congress.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Honest Leadership and Open Government rules package currently before the House.

Reform of the way this House conducts its business is not an option. It is an absolute necessity. A recent poll found that only 37 percent of Americans approve of how Congress is doing its job. Does anyone here doubt that the ethical scandals and procedural abuses of recent years are a major factor for this low public approval rating? In 2006 alone, four Members of the House resigned their seats

under a cloud. Two of these former Members have already been convicted for unethical and illegal ties to lobbyists.

I do not believe that these specific abuses represent the majority of Members, but I do believe it is the responsibility of the Majority party to set out strong rules that can begin to regain the trust of the American people in their institution of Congress.

For many years now, our constituents have been bombarded by media reports of cozy relationships between Congress and special interests lobbyists. They are incensed by news reports of Members accepting all-expense-paid trips to play golf in Scotland, the flagrant abuse of House rules to hold I5-minute votes open for hours for the sole purpose of affecting the outcome, the widening Jack Abramoff lobbying scandal, and the lack of accountability and transparency in how congressional earmarks are awarded.

I mentioned that our constituents learned about these abuses from the media, in their morning newspapers and on the nightly news. Too often in recent years, it is also from the media that rank-and-file Members of Congress have learned about special interest provisions that were secretly inserted into legislation in the dead of night and brought up for a vote before Members had an opportunity to read what they were being asked to vote on. This form of secret legislating has got to stop, and it will stop under this reform package.

The reform package before the House will also curb a large number of the other abuses that have come to light. These reforms will ban gifts from lobbyists, expand and tighten the restrictions on congressional travel paid for by outside groups, prohibit travel on corporate jets, and require greater public disclosure of targeted special interest legislation. The reforms will also prohibit the practice of holding votes open for the sole purpose of affecting the outcome.

There are many other needed reforms contained here, but the one I want to single out is the provision that restores pay-as-you-go budgeting. Pay-as-you-go budgeting simply means that Congress will not consider any legislation to boost entitlement spending or cut taxes unless it is fully paid for. Before they were abandoned in 2002, the pay-as-you-go rules helped to turn record deficits into record surpluses in the 1990s. Since abandoning pay-as-you-go, the cumulative deficit for the past four years has totaled over $1.36 trillion. We simply cannot continue to pile up more and more debt and pass it along to our children and grandchildren.

For all these reasons, I urge all my colleagues to join me in voting for the House rules reform package before the House.

Mr. SIRES. Mr. Speaker, I rise in support of H.R. 6.

Throughout history, there has been an ongoing struggle to put the people's interest ahead of special interests. With this legislation, we put an end to this age-old struggle. The 110th Congress has been given a mandate by the people and make sure their's are the voices that are heard.

To do this, we must ban gifts and meals from lobbyists and the organizations that they represent. We must ban lobbyists from planning, organizing, financing and participating in travel for Members or staff. We must protect the American taxpayer by requiring full disclosure of earmarks so that they know how their money is being spent. We must ensure that the business of the people is completed in a fair and open way.

As we start the 110th Congress, we must govern our own chamber in a manner that represents the interests of our constituents. This is why I proudly rise in support of this measure and urge my colleagues to do the same.

Mr. TERRY. Mr. Speaker, I rise today to express my deep disappointment in the rules package we are considering today.

The message from the American public last fall was ''we want Republicans and Democrats to work together.'' We all had high expectations for a ''new way of doing business in Washington.''

This past week during the Nation's remembrance of former President Gerald Ford, we were all reminded of the way Republicans and Democrats were able to find common ground to solve the country's problems. There was a time when the two parties could come together in the national interest.

Where, Mr. Speaker, did all of those grand and high-minded promises of bipartisanship go? I hope this is not a precedent for how the House will operate during the rest of the 110th Congress. Our constituents expect us to work together and get things done for the good of the country.

Included in this rules package are a number of ethics reforms, but they do not go far enough. We must have tougher and stronger ethics reform.

Today, there are Members serving in the House who have contributed to the American public's loss of confidence in this body. One Member was found to have $90,000 in cash in his freezer; another Member of the Appropriations Committee established separate entities that were recipients of appropriation funds. Yet, this rules package and the ethics reforms in it do nothing to punish such behavior.

We must adopt tougher and stronger measures if we are going to regain the trust of the American public. In my District, Nebraskans sent a clear message that said if Members take bribes and abuse the public's trust, they should not be protected and should not be allowed to reap the benefits of their House service such as a pension paid for by the taxpayers. Under this new Congressional leadership, Nebraska's voice will not be heard. I won't be allowed to even offer an amendment to be denied by the Rules Committee.

Mr. Speaker, I am introducing today legislation that I introduced last year—to deny pension benefits to any Member or government official who is convicted of a crime that violates the public trust. Because of the lack of a fair and open process in this House, I have been denied the opportunity to offer this legislation as an amendment.

This is not what American voters wanted to see after last fall's election. We are being denied the chance to work together. We need to restore the public's confidence in this House and one way to do that is to work together to solve the problems facing this Nation.

Mr. KIND. Mr. Speaker, I am proud to stand before you today to speak in support of the rules changes proposed by our new Speaker, Ms. PELOSI, that will bring enhanced ethics, transparency, and accountability to the House of Representatives. These measures are long overdue, and I applaud our leadership team for making this the first order of business in the 110th Congress.

It has become clear to all Americans that the ethical safeguards here in our Nation's Capital are broken. Rogue lobbyists such as Jack Abramoff were allowed to run amok for years, leaving behind a vast web of corruption in their wake. Wayward Members of Congress were swayed by the offers of expensive gifts, travel, and campaign contibutions that came their way. The maintenance of power became more important than responsible government, as we now see in the spiraling budget deficits, tax breaks for specific companies and industries, and legislation inserted into bills in the dark of night.

With our vote here today, we in the people's house say enough is enough. Today we begin to set our ship right and rebuild the trust of the American people.

Today we will prevent lobbyists from buying access and favor from lawmakers. While they will retain their constitutional right to petition government and share valuable information, they will no longer be allowed to buy meals, give gifts, or provide lavish trips. Corporate officials will no longer be able to buy exclusive access by offering the service of their private corporate jets. The powerful Washington elite will now be placed back on a more equal footing with other citizens who cannot afford such luxuries.

Additionally, all House employees will be required to attend annual ethics training to ensure that all members and staff know the rules and agree to follow them.

These changes, along with additional reporting requirements that will be enacted through subsequent legislation and more vigorous oversight by the Ethics Committee, will assure the American public that their elected officials are working for them and not for the special interests.

While some degree of corruption inevitably will always accompany power, these first steps are both valuable and necessary. I sincerely believe in the integrity of this great institution and its ability to live up to the highest expectations of its founding fathers. Those of us in this chamber have been given a tremendous opportunity to do good, and with that comes great responsibility.

It is my great hope that we all may move beyond the transgressions of the past with our sense of duty and our determination restored, and that the American people will once again believe in us. As a Nation defined by its democracy, we must accept nothing less.

Ms. DELAURO. Mr. Speaker, I rise in strong support of H. Res. 6, and commend Speaker PELOSI, the majority leader, the chairman of the Democratic Caucus, and the Rules Committee for bringing this comprehensive reform package to the floor. Indeed, with this resolution, the new Democratic majority says with one, clear voice that we are prepared to change the way Congress does business—to make good on our pledge—and restore open, honest government to Congress.

With this legislation, we take the critical steps necessary to preserving the integrity of

this institution, its Members and, indeed, the democratic process in this country. This November, the American people, weary from scandal after scandal, said "enough." They said it was time to clean up Washington—to sever ties between lawmakers and lobbyists and elect a Congress engaged in the people's business—in improving people's lives, not 1 in securing perks and privileges for themselves. They want Members of Congress who are accountable for their actions.

With this Congress—and this rules package—that is exactly what they will get. This resolution closes the curtain on an era in which legislation in this body was written not by lawmakers representing their constituents, but lobbyists paid for by special interests. It puts an end to the gifts from those lobbyists—to the free meals, tickets, and the trips and vacations they paid for. It requires complete transparency for any travel paid for by outside groups. And it tells Members of Congress that when they have to fly somewhere, they can do so not on corporate Jets, but on a commercial airline, just like other Americans.

In so doing, this legislation says clearly to the American people, "We are here to do work on your behalf, not ours."

Mr. Speaker, it is a new day in Washington, DC. And with war, budget deficits, and the skyrocketing cost of health care and energy, there is so much we need to do to get this country back on track. But it starts with restoring the public trust in this institution, so that the American people understand that when we cast our votes, we do so with the utmost integrity. That is what this new House rules package ensures, and I am proud to support it.

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

□ 1900

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 5, the previous question is ordered on the portion of the divided question comprising title II.

The question is on that portion of the divided question.

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

Mr. MCGOVERN. 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 430, nays 1, not voting 4, as follows:

[Roll No. 7]

YEAS—430

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
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 (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
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
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
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
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Burton (IN)

NOT VOTING—4

Brown (SC)
Buyer
Davis, Lincoln
Norwood

□ 1929

So that portion of the divided question 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. LINCOLN DAVIS of Tennessee. Mr. Speaker, on rollcall No. 7, had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to section 4 of House Resolution 5, further proceedings will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed resolutions of the following titles in which the concurrence of the House is requested:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 5

Resolved, That the House of Representatives be notified of the election of the Honorable Robert C. Byrd as President of the Senate pro tempore.

S. RES. 10

Resolved, That the House of Representatives be notified of the election of the Honorable Nancy Erickson as Secretary of the Senate.

S. RES. 13

Resolved, That the House of Representatives be notified of the election of the Honorable Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

The message also announced that pursuant to Public Law 95–521, the Chair, on behalf of the President pro tempore, appoints Patricia Mack Bryan, of Virginia, as Deputy Senate Legal Counsel, for a term of service to expire at the end of the 111th Congress.

The message also announced that pursuant to Public Law 95–521, the Chair, on behalf of the President pro tempore, appoints Morgan J. Frankel, of the District of Columbia, as Senate Legal Counsel, for a term of service to expire at the end of the 111th Congress.

FURTHER MESSAGE FROM THE SENATE

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

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the ''Robert T. Stafford White Rocks National Recreation Area''.

□ 1930

ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. EMANUEL. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

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

(1) COMMITTEE ON AGRICULTURE.—Mr. Peterson of Minnesota, Chairman.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Obey, Chairman; Mr. Murtha, Mr. Dicks, Mr. Mollohan, Ms. Kaptur, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, Ms. DeLauro, Mr. Moran of Virginia, Mr. Olver, Mr. Pastor, Mr. Price of North Carolina, Mr. Edwards, Mr. Cramer, Mr. Kennedy of Rhode Island, Mr. Hinchey, Ms. Roybal-Allard, Mr. Farr, Mr. Jackson of Illinois, Ms. Kilpatrick of Michigan, Mr. Boyd of Florida, Mr. Fattah, Mr. Rothman, Mr. Bishop of Georgia, Mr. Berry, Ms. Lee, Mr. Udall of New Mexico, Mr. Schiff, Mr. Honda, Ms. McCollum of Minnesota, Mr. Israel, Mr. Ryan of Ohio, Mr. Ruppersberger, Mr. Chandler, Ms. Wasserman Schultz, Mr. Rodriguez.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Skelton, Chairman.

(4) COMMITTEE ON THE BUDGET.—Mr. Spratt, Chairman.

(5) COMMITTEE ON EDUCATION AND LABOR.—Mr. George Miller of California, Chairman.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Dingell, Chairman; Mr. Waxman, Mr. Markey, Mr. Boucher, Mr. Towns, Mr. Pallone, Mr. Gordon of Tennessee, Mr. Rush, Ms. Eshoo, Mr. Stupak, Mr. Engel, Mr. Wynn, Mr. Gene Green of Texas, Ms. DeGette, Mrs. Capps, Mr. Doyle, Ms. Harman, Mr. Allen, Ms. Schakowsky, Ms. Solis, Mr. Gonzalez, Mr. Inslee, Ms. Baldwin, Mr. Ross, Ms. Hooley, Mr. Weiner, Mr. Matheson, Mr. Butterfield, Mr. Melancon, Mr. Barrow, Mr. Hill.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mr. Frank of Massachusetts, Chairman.

(8) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Lantos, Chairman.

(9) COMMITTEE ON HOMELAND SECURITY.—Mr. Thompson of Mississippi, Chairman.

(10) COMMITTEE ON HOUSE ADMINISTRATION.—Ms. Millender-McDonald, Chairman.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Conyers, Chairman.

(12) COMMITTEE ON NATURAL RESOURCES.—Mr. Rahall, Chairman.

(13) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Waxman, Chairman.

(14) COMMITTEE ON RULES.—Ms. Slaughter, Chairman.

(15) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Gordon of Tennessee, Chairman.

(16) COMMITTEE ON SMALL BUSINESS.—Ms. Velázquez, Chairman.

(17) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mrs. Jones of Ohio, Chairman.

(18) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Oberstar, Chairman.

(19) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Filner, Chairman.

(20) COMMITTEE ON WAYS AND MEANS.—Mr. Rangel, Chairman; Mr. Stark, Mr. Levin, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Tanner, Mr. Becerra, Mr. Doggett, Mr. Pomeroy, Mrs. Jones of Ohio, Mr. Thompson of California, Mr. Larson of Connecticut, Mr. Emanuel, Mr. Blumenauer, Mr. Kind, Mr. Pascrell, Ms. Berkley, Mr. Crowley, Mr. Van Hollen, Mr. Meek of Florida, Ms. Schwartz of Pennsylvania, Mr. Davis of Alabama.

Mr. EMANUEL (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 8

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

(1) COMMITTEE ON AGRICULTURE.—Mr. Goodlatte.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Lewis of California, Mr. Young of Florida, Mr. Regula, Mr. Rogers of Kentucky, Mr. Wolf, Mr. Walsh of New York, Mr. Hobson, Mr. Knollenberg, Mr. Kingston, Mr. Frelinghuysen, Mr. Wicker, Mr. Tiahrt, Mr. Wamp, Mr. Latham, Mr. Aderholt, Mrs. Emerson, Ms. Granger, Mr. Peterson of Pennsylvania, Mr. Goode, Mr. Doolittle, Mr. LaHood, Mr. Weldon of Florida, Mr. Simpson, Mr. Culberson, Mr. Kirk, Mr. Crenshaw, Mr. Rehberg, Mr. Carter, Mr. Alexander.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Hunter.

(4) COMMITTEE ON THE BUDGET.—Mr. Ryan of Wisconsin.

(5) COMMITTEE ON EDUCATION AND LABOR.—Mr. McKeon.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Barton of Texas.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mr. Bachus.

(8) COMMITTEE ON FOREIGN AFFAIRS.—Ms. Ros-Lehtinen.

(9) COMMITTEE ON HOMELAND SECURITY.—Mr. King of New York.

(10) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Ehlers, Mr. Daniel E. Lungren of California, Mr. McCarthy of California.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Smith of Texas.

(12) COMMITTEE ON NATURAL RESOURCES.—Mr. Young of Alaska.

(13) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Tom Davis of Virginia.

(14) COMMITTEE ON RULES.—Mr. Dreier, Mr. Lincoln Diaz-Balart of Florida, Mr. Hastings of Washington, Mr. Sessions.

(15) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Hall of Texas.

(16) COMMITTEE ON SMALL BUSINESS.—Mr. Chabot.

(17) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mr. Hastings of Washington.

(18) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Mica.

(19) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Buyer.

(20) COMMITTEE ON WAYS AND MEANS.—Mr. McCrery, Mr. Herger, Mr. Camp of Michigan, Mr. Ramstad, Mr. Sam Johnson of Texas, Mr. English of Pennsylvania, Mr. Weller of Illinois, Mr. Hulshof, Mr. Lewis of Kentucky, Mr. Brady of Texas, Mr. Reynolds, Mr. Ryan of Wisconsin, Mr. Cantor, Mr. Linder, Mr. Nunes, Mr. Tiberi, Mr. Porter.

Mr. PUTNAM (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. PUTNAM. Mr. Speaker, I offer a resolution (H. Res. 9) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 2007, until otherwise ordered by the House, to-wit: Jo-Marie St. Martin, Mike Sommers, Dave Schnittger, Brian Kennedy, George Rogers, and Jay Cranford, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95–94. In addition, the Minority Leader may appoint and set the

annual rate of pay for up to three further minority employees.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Ms. SLAUGHTER. Mr. Speaker, I offer a privileged resolution (H. Res. 10) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Resolved, That unless otherwise ordered, before Monday, May 14, 2007, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 14, 2007, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Ms. SLAUGHTER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Tenth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING PROFOUND REGRET AND SORROW OF THE HOUSE ON THE DEATH OF GERALD R. FORD, 38TH PRESIDENT OF THE UNITED STATES OF AMERICA

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 11) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 11

Resolved, That the House of Representatives has learned with profound regret and sorrow of the death of Gerald R. Ford, thirty-eighth President of the United States of America.

Resolved, That the House tenders its deep sympathy to the members of the family of the former President in their bereavement.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the former President.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the former President.

MOMENT OF SILENCE

The SPEAKER pro tempore. The House will observe a moment of silence in honor of former President Ford.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow.

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

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS DURING THE 110TH CONGRESS

Mr. HOYER. Mr. Speaker, I ask unanimous consent that during the 110th Congress, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN THE CONGRESSIONAL RECORD DURING THE 110TH CONGRESS

Mr. HOYER. Mr. Speaker, I ask unanimous consent that during the 110th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the RECORD entitled ''Extensions of Remarks.''

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

There was no objection.

MAKING IN ORDER MORNING HOUR DEBATE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that during the first session of the 110th Congress:

(1) on legislative days of Monday when the House convenes pursuant to House Resolution 10, the House shall convene 90 minutes earlier than the time otherwise established by the resolution solely for the purpose of conducting morning hour debate; and

(2) on legislative days of Tuesday when the House convenes pursuant to House Resolution 10:

(A) before May 14, 2007, the House will convene for morning hour debate 90 minutes earlier than the time otherwise established by that resolution; and

(B) after May 14, 2007, the House shall convene for morning hour debate 1 hour earlier than the time otherwise established by that resolution; and

(3) on legislative days of Monday or Tuesday, when the House convenes for morning hour debate pursuant to an order other than House Resolution 10, the House shall resume its session 90 minutes after the time otherwise established by that order;

(4) the time for morning hour debate shall be limited to the 30 minutes allocated to each party, except that on Tuesdays after May 14, 2007, the time shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes before the hour appointed for the resumption of the session of the House; and

(5) the form of proceeding for morning hour debate shall be as follows:

(a) the prayer by the Chaplain, the approval of the Journal and the Pledge of Allegiance to the flag shall be postponed until resumption of the session of the House;

(b) initial and subsequent recognitions for debate shall alternate between the parties;

(c) recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and by the minority leader;

(d) no Member may address the House for longer than 5 minutes, except the majority leader, the minority leader, or the minority whip; and

(e) following morning hour debate, the Chair shall declare a recess pursuant to clause 12(a) of rule I until the time appointed for the resumption of the session of the House.

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

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. HOYER. Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2007.

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

DEAR MADAME SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Ms. Marjorie C. Kelaher, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 110th Congress or until modified by me.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

APPOINTMENT OF MEMBERS TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 2001, and the order of the House of today, the Chair announces the Speaker's appointment of the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. BOEHNER) as members of the House Office Building Commission to serve with herself.

LIEUTENANT (JG) GERALD FORD

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

Mr. POE. Mr. Speaker, during the great World War II, the U.S. aircraft carrier *Monterey* faced its fiercest naval battle, not with the Imperial Japanese Navy, but the storm of the sea, Typhoon Cobra.

A naval lieutenant (jg) answering the call to action motivated the crew to combat against the Cobra's bone-crushing waves, torrential rains, and consuming fires it caused on board the ship.

Refusing the order to abandon the ship, this warrior valiantly went below, marching into the mouth of the fire, rescuing those trapped within its grasp. He ignored the searing heat of the flames and the blackness of the smoke. Hour upon hour this man led others in the charge to extinguish the demon fire, saving fellow sailors and officers.

He did not seek recognition in the darkness of 1944; it sought him. When it called, this naval officer answered in a manner of all American patriots, with courage, valor, and victory.

Twenty-nine years later, this same individual helped rescue an entire Nation from the fire of corruption and war. And he brought peace. His name was President Gerald Ford, and we thank him.

And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that the whole number of the House is 435.

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1945

LANCE CORPORAL LUKE YEPSEN, TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it has been said, ''We are United States Marines, and for two and a quarter centuries we have defined the standards of courage, spirit, and military prowess.''

These are words spoken by United States Marine Corps General James Jones. This describes the elitism of those chosen few who wear the title of United States Marines.

Luke Yepsen was one man whose life was making a difference at a very young age. He personified the core values of the United States Marine Corps of honor, courage, commitment.

He was from Kingwood, Texas, a close-knit community near Houston, Texas. He was a graduate of Kingwood High School, and he was known for his big heart and ability to live life to its fullest extent. He enjoyed travel and he was proud of the fact that he had already traveled to 20 different foreign countries in his short lifetime.

Luke deeply cared about his family back home in Texas and his military family. His fellow Marines said he was more than just a friend; he was a brother, a brother to everyone who knew him.

Like many Texans, especially those Texans who go to war, Luke chose to enroll in Texas A&M after high school. During his freshman year, he made a decision to leave Texas A&M University. Gary Yepsen, Luke's father, asked him why he didn't want to graduate college and then enter the United States Marine Corps as an officer. Luke said, ''I don't want to go into the Marines to tell people what to do. I want to go into the Marines so they can tell me what to do.''

Here is what President Ronald Reagan said about the Marines: ''Some people spend an entire lifetime wondering if they made a difference in the world. But the Marines, they don't have that problem.''

Luke Yepsen was one of those Marines. With faith in God and country, at 18 Luke enrolled in the United States Marine Corps. He was an assaultman, later a mechanic, which came easy to him because of his love of cars. ''He had so much courage and pride, you can't even imagine. You could hear it in his voice how proud he was,'' said Luke's brother, Kyle. In October of 2006, Luke was deployed to Iraq with the 1st Tank Battalion, 1st Marine Division, 1st Marine Expeditionary Force. Amid the violence and anarchy in Iraq, Luke's thoughts never waned from the security of home and American freedom. When told by his college roommate that he was praying for him, Luke quickly responded, ''Well, I'm praying for you.''

On December 14, 2006, at the age of 20, Luke, while fighting the forces of evil, was killed by enemy action in Iraq. For his military service, he was awarded the Purple Heart, the Combat Action Ribbon, the National Defense Service Medal, and the Iraq Campaign Medal, the Global War on Terrorism Medal, and the Sea Service Deployment Ribbon.

On the morning of December 22, 2006, hundreds of Kingwood, Texas, residents lined the streets of this community paying tribute to the family of this patriot. Many of those on the streets carried flags, yellow ribbons. Many held banners saying ''Proud of You,'' ''Proud to be an American.'' Some said, ''Thank You.'' As the funeral procession made its way to the church, the residents of Kingwood, with tearful eyes and grateful hearts, saluted the Yepsen family.

Mr. Speaker, I want to tell you that patriotism is alive and well in the United States. And as the Kingwood, Texas, community mourns the loss of America's son, Luke Yepsen, and all those who came before him and all those that will come after him, we know that freedom is not free, and we thank this fearless Marine for dedicating his life to America.

Luke's sacrifice will be etched in the catalogue of history as another Marine who was always faithful. A sacrifice made for his parents, Sheila and Gary; his brother, Kyle; and his fiancee, Sandra Bruman; the Kingwood community; and this great Nation.

As we honor the life of Luke Yepsen, reflect on those timeless words from the Marine Corps Hymn that say:

''In many a strife
We've fought for life
And never lost our nerve.
If the army and the navy
Ever look on heaven's scenes,
They will find the streets are guarded
By United States Marines.''

Mr. Speaker, I suspect that Lance Corporal Luke Yepsen is patrolling the

streets of heaven tonight and guarding the pearly gates.

So Semper Fi, Lance Corporal Yepsen. Semper Fi.

And that's just the way it is.

HONORING DEREK RYAN KEHOE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, I rise today to speak of a courageous young man from my district, and of his friends and family and supporters, who are trying to use his untimely demise to help make the world a better place.

Derek Ryan Kehoe graduated from Nazareth High School in 2005, which this high school is located in Nazareth, Pennsylvania. And he was a star player on the school's basketball team, a team he led to the District 11 Tournament in 2005.

He was a freshman at Albright College when, in April of 2006, he discovered a lump on his back. The lump turned out to be leiomyosarcoma, or LMS as it is better known, a rare and deadly form of cancer. LMS currently has no cure. And though Derek was a strong, healthy 19-year-old, the disease overcame him, and he passed on on October 28, 2006.

Throughout his illness, Derek was cheerful and encouraging, more concerned with the feelings of those who came to see him than of his own condition. On January 5, 2007, Derek's life will be commemorated at half time of the Nazareth High-Northampton High boys basketball game. A full house is expected, and 150 of Derek's classmates are returning for the event. All proceeds from the game will be earmarked to fight this dreaded disease of LMS that took Derek away from us way too soon.

I want to extend my condolences to Derek's parents, Maureen Kehoe and Kevin Kehoe. I also want to express my support for all the people who have put together this event, including the Kehoes, the administration of Nazareth Area High School, and the Nazareth High School Booster Club. I also want to convey a special word of thanks to Nazareth basketball coach Joe Arndt, who loved Derek as he would a son and who played a key role in making this event a reality.

Mr. Speaker, I will insert a copy of these words into the CONGRESSIONAL RECORD this 4th day of January, 2007, as part of the effort to commemorate for all time the life of Derek Ryan Kehoe.

Mr. Speaker, I rise today to speak of a courageous young man from my District, and of his friends, family, and supporters who are trying to use his untimely demise to help make the world a better place.

Derek Ryan Kehoe graduated from Nazareth High School in 2005 (in Nazareth, PA) and was a star player on the school's basketball team, a team he led to the District 11 Tournament in 2005. He was a freshman at Albright College when, in April of 2006, he discovered a lump on his back. The lump turned out to be leiomyosarcoma (LMS), a rare and deadly form of cancer. LMS currently has no cure, and though Derek was a strong, healthy 19-year old, the disease overcame him, and he passed on October 28, 2006.

Throughout his illness, Derek was cheerful and encouraging, more concerned with the feelings of those who came to see him than with his own condition. On January 5, 2007, Derek's life will be commemorated at the halftime of the Nazareth High-Northampton High boys basketball game. A full house is expected, and 150 of Derek's classmates are returning for the event. All proceeds from the game will be earmarked to fight this dreaded disease of LMS that took Derek away from us way too soon.

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Mr. Speaker, I ask that a copy of these words be inserted into the CONGRESSIONAL RECORD this 4th day of January 2007, as part of the effort to commemorate, for all time, the life of Derek Ryan Kehoe.

CLEAN ENERGY

The SPEAKER pro tempore. The gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, I come to the floor this evening on truly what is a historic day, the beginning of this Congress. Historic, I will mention two reasons: One, the first woman Speaker of the United States House of Representatives, NANCY PELOSI, something that certainly has caused a lot of joy here and across the country and it is something worthy of noting. But a second historic event arises from Speaker PELOSI's first address as Speaker of the House today that I think marks a pivotal moment in our future of the country when it comes to our energy policy.

Speaker PELOSI today, in some of her very first comments, made a commitment to the country that our Nation would start a titanic and historic shift from old technologies associated with fossil fuels that are now putting massive amounts of carbon dioxide into the atmosphere and towards the use of new technologies that can produce our mode of power for our cars and our planes and our buses and our homes and our computers, and even our hair dryers in a way that does not contribute to global warming. And this is her commitment and her very first comment, I think it was telling, that this House will pass a measure in very short order, in the next several weeks, that will shift a huge amount of our national resources away from work in these fossil fuels that are now contributing to global warming and put that money into a fund that will be dedicated to the use of new high-technological energy sources that can free us from Middle Eastern oil, create jobs in our country, and stop global warming.

This is certainly a three-fer. And the way that she has made a commitment that this House will do is that we basically will repeal some of the less prudent activities of the former Congress that gave $7 billion of taxpayer money to the oil and gas industry, a very imprudent move, an industry that is in tip-top form financially, making profits hand over fist, the most profitable corporation in American history, indeed, world history. And yet the last Congress saw fit to give billions of dollars of tax relief to these organizations.

And these organizations are good organizations. They have good people in them. But there was no reason to give that money away when it has higher purpose. And that higher purpose that Speaker PELOSI talked about today is to take those billions of dollars, those tax goodies given away to these corporations, repeal those giveaways and shift that money, shift those public resources, into a pool of funds that will be used to develop new high-tech, clean energy sources that we can go forward to build energy independence and reduce our contributions of carbon dioxide and other gases that are contributing to global warming. And I think this is a fundamental shift in American history.

We have had a steam revolution starting with American ingenuity, with Fulton and others. We had an industrial revolution led by American inventors, Ford and others. We have had an IT revolution led by many people in the software business. Many of them in my district in North Seattle and Redmond, Washington.

And now we are heading into a fourth revolution in the industrial base of America, and that is an energy revolution, where we make a transition from dirty fuels to clean fuels, many of which we will talk about tonight, and we will do it in a smart, prudent, fiscally sound way of using funds that are being wasted essentially on these old dirty technologies and shift them over, starting today with Speaker PELOSI's wise comments, towards these new technologies.

And in doing so, we will use the most fundamental character of Americans, which is technological brilliance, innovation, creativity, tinkering. We are the greatest tinkerers and inventors, not speaking personally but our country, in human history. And now starting today, we are taking the first step what I call the road down to new Apollo. We had the first Apollo project with

John F. Kennedy where we went to the moon.

Today, with Speaker PELOSI's comments, we took the first step on the road to a new Apollo clean energy future for this country to move these resources into a clean energy future. And I am very excited about it because it will build upon the scientific prowess of America.

I would like to yield now to one of the Members of Congress who is a leader in the scientific community, a physicist with a history at Princeton, who personifies what science can do for this country, who has been a leader on these clean energy issues, for some comments on this issue, RUSH HOLT of New Jersey.

Mr. HOLT. Mr. Speaker, I thank my friend, the gentleman from Washington (Mr. INSLEE). And I look forward to joining him again in the Apollo energy legislation as I did in the last Congress, and this time I hope we will get it through because the way we produce and use energy in the United States is the greatest insult to our planet.

There are a lot of things that we do that are dangerous, unclean, unproductive. But the way we produce and use energy is the greatest insult. And I think what we want to talk about is the word ''sustainable.'' We should be in this for the long haul for centuries to come.

As we look back on a day like today when we celebrate the ongoing experiment of the American republic, we should be thinking, as those who wrote the Constitution were thinking, about something that would last for centuries. We should be embarking on a sustainable energy path. Not just clean energy, not just renewable energy, but a sustainable energy path that is environmentally sustainable, that is economically sustainable, and that is climactically sustainable.

One of the big changes that has occurred, and I think Mr. INSLEE would agree, in the last year or 2 is here in Washington, and I think around the country, we have come to the conclusion, some of us years ago, but most people very recently, have come to the conclusion that global climate change, human induced global climate change, is real. They have come to the conclusion that it is real and they have come to the conclusion that it is serious.

They have not yet come to the conclusion that it is harmful. I would argue that it is costly and deadly. They have not come to the conclusion that there is something that we can do about it. But, indeed, I would argue that there is a great deal we can do about it. Some damage has been done.

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There is much more we can do.

Mr. INSLEE. We want to turn to the things that can be done, because one of the messages of the new Apollo Project is that we have a clear path to use technology to solve this problem. But before we launch into a discussion now, I just wanted to note three conversations on this issue about global warming I have had in the last two weeks, that I want to note about why this is so compelling to have new energy.

The first conversation I had last week was with a woman who was a leader in the first city in the United States that is being relocated as a result of global warming. That is the village of Shishmaref in Alaska; it is on the Arctic coast of Alaska. This woman told me that last week the city voted to move their city, I think it is about 13 miles off of a coastal barrier island, that is disappearing because sea levels are rising, the tundra is melting, and the ice that serves as a barrier protecting their village is melting, and their island is disappearing, right literally underneath them.

They are having to move their whole city at a cost of $150 million, onto an inland area, that is Shishmaref, Alaska. When we have to start moving cities in this country to start dealing with global warming, it is time to have a new energy policy.

Second, I had a conversation with the president of the Marshall Islands. It is an independent nation in the South Pacific of 60,000 people. The president of the Marshall Islands told me that they are in an emergency situation because of the rising seas and the increasing frequency of big storms which are literally overtopping their islands, which are just a few feet. They are built on coral reefs. Their coral reefs are dying because the oceans are becoming warmer and more acidic due to global warming. We have a whole country that may go under water as a result of global warming.

The third conversation I had last week was with a woman who was a climatologist, I may have butchered that word, meteorologist. She is an expert on the Arctic, basically. The University of Washington just published a study that said with a fairly high degree of probability the Arctic ice pack will have disappeared in months of September, disappeared with just marginal little bits of it hanging on to the coastline by the year 2050, with all of the changes that portends, including the disappearance of the polar bear, that even the current administration under George Bush agrees should be listed as a threatened species because the Arctic ice is going to disappear.

I just note these because since Mr. HOLT and I last discussed this in the last Congress 2 months ago, these three changes have taken place. This is a dramatically rapidly changing climate we have that demands an answer to energy policy.

So I just want to set the urgency for taking steps, the first step.

Mr. HOLT. The gentleman makes a very good point, but this is not just a matter of the frost line moving a little bit north or spring coming a little bit earlier so you can get your tomatoes out sooner. No, it is much more serious than that. The pattern of storms, the pattern of droughts, even the pattern of freezes will change. Ocean currents are already showing signs of changing. That is what I mean when I say this is very costly and even deadly.

It is not just inconvenient. It does not just mean that, well, they are going to start growing sugar cane in Minnesota as the climate warms up. No, it means that lives will be lost and huge expenses will be incurred.

So that is the point. Let me just finish the two further steps we need to take in public understanding and, I would say, in legislative understanding. Once we recognize that human-induced climate changes, that it is real, that it is serious, that it is costly, and that something can be done, we have to figure out what those things are, and the new Apollo Energy Act of the last Congress that we will get in shape for this Congress will give you some of those ideas, I think. But then we have to convince ourselves that it is worth doing these things, that the benefits will be greater than the cost.

Well, I can assure you the cost will be great. But even more, we can make this a winner by stopping climate change, and we are in the best position in the world of all countries to do that because we have set the pattern for energy use for a century, and we can set the pattern for the coming century.

We are behind other countries, are doing more, we are buying windmills from Europe, not the United States, just to take one example, but we can go on and on. We could take the lead, and I can assure you, I can assure the gentleman from Washington, and anyone else, that it will be better to sell these technologies to the world than to buy them, and there is going to be a huge market for alternative sustainable technologies.

Mr. INSLEE. That point of being able to sell American technology to the world, I want to mention two companies, their CEOs I have talked to in the last month. One I talked to this morning is called Greenpoint Energy. It is a company in Boston that has developed a way to take coal and to process it into natural gas, then burn the natural gas in a way that eliminates the mercury emissions that typically come out of a coal stack, eliminates the sulfur dioxide that comes out of a smokestack and most importantly reduces carbon dioxide, the global warming gas by 60 to 65 percent.

Now, when I asked this young entrepreneur, who formerly did very well in the software industry, and is now into energy, what he saw as the future of this, he said it is unlimited. The reason it is unlimited is that we can take this

technology that we build here, we can build these plants and sell them to China.

China is building one dirty coal plant a week, a 500-megawatt coal plant a week in China, which is creating massive CO_2 contributing to global warming gas. Here is a company right now, they have got 25 employees right now, and 20 subcontractors, they can have thousands at some point when we start selling this technology to the Chinese.

Another company called Nanosolar in Silicon Valley, California, they developed a way to make a solar cell using a thin cell material that can increase the efficiency, or at least decrease the cost at least by 40 to 50 percent of solar energy, using a thin cell that is about 5 percent of the current thickness of a silicone-based solar cell. They want to sell this technology when we develop it. We have the first 450-megawatt capacity plant they are building right now, as we speak tonight. They want to start selling these around the world.

So here is a tremendous opportunity for America to reverse our balance-of-payments problem and start selling things to the world rather than buying them.

Mr. HOLT. The Chinese will be buying technology. There is no question. They would prefer not to pollute their skies. They are trying to clean up for the Olympics; but they are growing fast, they need the power, they would welcome cleaner power. As evidence of that, I would say that their auto fleet is already more efficient than ours.

Because the technology is available, that is what they are buying. It would apply across the board in energy technologies, China, Southeast Asia, India, yes, and Europe.

The gentleman from Washington spoke about American ingenuity. You know we in Jersey call it Yankee ingenuity, but no aspersions on those from Southern States or Western States. That is what it was known as, or good old American know-how. We can do it.

The new Apollo Energy legislation that I joined the gentleman in the last Congress, talked about incentives, demonstration projects and investments and research and development. They are, indeed, investments that would pay off big.

Mr. INSLEE. You mentioned transportation. I just want to note what I consider to be a very exciting development in the last 7 days in this country in transportation. I want to yield to a real leader in there, Mr. BLUMENAUER.

But when it comes to cars, we have not improved the efficiency of our cars in 25 years. We get less mileage today in our cars than we did 25 years ago. But in the last 30 days something very dramatic happened in the auto industry.

General Motors announced that they were going to start developing a plug-in vehicle in the next 5 years where you can go home at night, plug in your car, charge your batteries off your electrical grid from one to two cents, effectively, a mile, you are now spending ten to fifteen. For one to two cents a mile off the grid, you can run your car for, we hope, for the first 20 miles. Then after you run out of juice, if you drive more than 20 miles, and 60 percent of our trips a day are less than 20 miles, but if you go more than 20 miles then you start burning either the gas or the ethanol that you got from corn and soybeans and rye grass. You have a flex-fuel vehicle, you plug it in at night, you are off to the races. That is the first thing.

The second thing is the Department of Energy last week issued a study which concluded that there is enough energy-generating capacity in the United States, excuse me, it was a Pacific Northwest laboratory out in Washington State, actually, an arm of the Department of Energy. They concluded there was enough electrical generating capacity today to fuel 85 percent of our cars and trucks using a plug-in battery system and not build a single new generating plant.

In other words, we could fuel 85 percent of all of our cars once we get a plug-in battery system developed without building a single new dirty plant coal or even a clean coal, for that matter, because you have all of this excess capacity at night that is sitting there that we don't use. We have all these plants that just sit there unused at night. We can use them to charge our cars. These are two very exciting developments using home-grown technology if Congress acts to move these subsidies away from the oil and gas industry, as Speaker PELOSI pledged to do today, and move them into support for these new businesses and consumers to get the new end higher energy.

I want to yield to Mr. EARL BLUMENAUER, who has been a real leader in trying to bring transportation, particularly public transit which is a very, very effective way of reducing our pollution and making our transportation more efficient.

Mr. BLUMENAUER. I appreciate your courtesy, Mr. INSLEE, in permitting me to speak on this. I appreciate your continued leadership in spotlighting issues of global warming, energy efficiency, and the difference it will make for Americans across the country.

I too was impressed today with the clear, articulate vision set forth by our new Speaker, NANCY PELOSI, reemphasizing the commitment that the Democratic leadership and our caucus has to deal meaningfully with problems of global warming, energy independence and efficiency.

Having an opportunity this evening to focus on this is important because for the first time in a dozen years we won't just be talking about this. We have legislative leadership that is committed to action, to dealing with the redirection of vast subsidies that have been given to people who need them the least, and, instead, rationalizing investments in areas that you have championed with alternative energy, wind, solar, biomass and, particularly, conservation.

You are right, tracking the problems of transportation is central to dealing with greenhouse gases, global warming and our alarming dependence on oil imported from increasingly unstable areas of the world.

I appreciate the conversation that you and Mr. HOLT have had about the positive impact, the President and the Republican leadership in the last half dozen years have been baring their head, claiming that we can't deal with problems of global warming, climate change, energy conservation because of the economic disruption.

You have cited examples from our Pacific Northwest where there are entrepreneurs ready to go, rolling up their sleeves, with things that will make a difference, creating jobs in this country, that will, in fact, conserve resources and save money.

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Our ability to invest in wise, diverse transportation choices for the American public has the opportunity to put money in the pockets of Americans while it fights greenhouse gas. We consume approximately 10 percent of the world's petroleum supply each year driving our SUVs to work and back. The commitment to make sure that the Arctic wildlife refuge is the last place we drill, not the next, that makes energy conservation more available to Americans, and unlocks the economic potential of a whole array of new technologies and products.

I look forward to continuing our conversation here over the next few minutes. I, personally, am committed to continuing, as I have in both of your districts in the past. I know you both have constituents that are concerned about transportation choices. This Congress might be able to do something to provide equity, for instance, for cyclists, people who burn calories instead of petroleum, but are treated differently in our Tax Code for their commuting costs, for instance. I look forward to working with you to make these a reality and make a difference to enhance the planet, protect our national security and put money in the pockets of the American taxpayer.

Mr. INSLEE. Mr. HOLT.

Mr. HOLT. If the gentleman would yield, I would like to elaborate on a point that Mr. BLUMENAUER made about transportation. Not only do we use a lot of energy going to and from work, we waste a lot of energy that no one wants to use sitting in congestion. There are some parts of the country,

we certainly see it in my State of New Jersey, where an enormous amount of energy is lost. And if we could avoid that congestion, it would make everyone happier, I can assure you, not just at a sense of savings, but it would remove the aggravation.

Well, it is a whole lot easier to move electrons than it is to move chunks of metal. Smart transportation systems that take account of where the traffic is and where it can go, and compute in real time where you should go, rather than you running a car-sized computer system where you are trying this and you are trying that and you have got a million cars in this computer system in real-time trying to figure out the best routes. You can do that with smart transportation system cheap, relatively, save energy, save money, save aggravation. That is just one example of what we should do.

Mr. INSLEE. I would like to point out a shining example of what Mr. HOLT is talking about, and that is in Portland, Oregon, in part, because of the leadership of Mr. BLUMENAUER, Portland, Oregon achieved two very significant milestones in the last year. First, it was the first city ever to essentially meet the Kyoto targets for reduction of carbon dioxide. This proves it can be done.

A smart transportation policy and a smart energy policy can be both good for your economy and meet these targets to reduce carbon dioxide. Portland, Oregon has achieved that, and one of the reasons is because of their second accomplishment, the first city in the last 30 years in America, has had less miles driven per individual in the last several decades. It is the first city that has ever accomplished that by developing a very sophisticated public transportation system and developing a living system that can reduce the need for some of our long commutes. And I want to point out Portland's success on this has been an enormous benefit to its economy, because Portland, Oregon's economy has been booming. The value of property has been booming as a result of these smart energy choices it has made, and people want to live there. And it is because of some of the smart choices that have been made in order to use energy more efficiently.

Mr. HOLT. If I may just insert, some of those choices have been made by our now-colleague, Mr. BLUMENAUER. Much of the success of Portland traces back to some of the decisions that he had a part in some years ago.

Mr. BLUMENAUER. If the gentleman would yield

Mr. INSLEE. Yes.

Mr. BLUMENAUER. I appreciate your positive words about our community. And I do take pride in essentially having reached 1990, emission levels for carbon dioxide and actually having reductions in per capita emissions for each of the last 4 years. And it has been done, not at the expense of economic development and choice, but rather, as a result of providing it. And this is a point, I guess, that I am eager for us to pursue. And I appreciate the leadership that you gentlemen have exercised, both in terms of looking and investigating what's going on in Oregon and providing leadership in your own States and in your own communities.

The average American family, today, pays more for transportation than anything else in their budget, except for housing. And for Americans who make less than $40,000 a year, typically, they pay more for transportation than for housing. So our being able to have sensible development patterns where people can live closer to where they work, employing what Mr. HOLT was talking about in terms of smarter technology to let people know what they are getting into in terms of congestion, and giving people choices. This is not about saying you can't drive a car.

But when I go to other communities, and since I have been in Congress, I have been in more than 200 communities across the country working on issues of transportation, land use and affordable housing. What I find is that people are complaining not that we are trying to take away their choices, but because they have no choice. Too many communities, people can only drive to work in a single occupant vehicle. In many of these communities, 90 percent of the children cannot go to school safely on their own by bicycle or walking. And what we are talking about here is giving back choices to the American public about where they live, how they travel, choices that will not only reduce congestion, improve air pollution, it will put money in the pockets of American families.

Mr. INSLEE. If I can allude to a choice, another sort of choice, I think that is a very fundamental principle that we want to give people choices in their uses of energy. But I want to allude to a choice, if you do decide to drive a car, what kind of fuel you use. And it is a Democratic Party principle now under the leadership of Speaker PELOSI that Americans are going to have more choices about what fuel you use because as part of our effort to move money away from this giveaway to the oil and gas industry that have enslaved Americans, you are a slave to the oil and gas industry if you have got a car right now, to move it over to give more fuel choices to Americans. We intend to develop a vision for this country that you have the same freedom that Brazilians have, because in Brazil today when you pull up to the pump you are not a slave to the oil and gas industry, you are the boss because when you pull up to a pump in Brazil you decide whether you want gasoline or whether you want domestically manufactured ethanol made from sugar cane in Brazil and soon to be made through cellulosic ethanol, through corn and wheat and corn stovers and switch grass and who knows what kind of products we are going to develop so that consumers can decide what product they are going to put into the tank. And when we do that, we are going to create thousands of jobs across the country, particularly in the agricultural belt.

I got an e-mail just as I was walking over here tonight about a little article about a company in Wisconsin that are building sort of the foundations for wind turbines. They can't hire people fast enough. Right down the road, at the Chippewa Valley co-op they are brewing ethanol in Minnesota to give people a choice to put ethanol in their tank rather than gasoline, and they have created source of jobs in this little town in Minnesota that was sort of a declining town at the time. We want to give choices to people.

And we have another leader here tonight on those issues, Representative KAPTUR from the great State of Ohio, that has been a leader in an effort to make a transition from just an oil and gas economy to one based on biofuels. And I have to tell you that I am very excited about this because I have been talking to scientists who tell me that we now have the possibility of having two to four times more bio fuels per acre than we even have today, and with our corn usage today that is certainly being successful with a consequent reduction of carbon dioxide that Representative KAPTUR can tell us about. I would like to yield to Representative KAPTUR.

Ms. KAPTUR. I want to thank Representative INSLEE for taking this special order tonight on the very first night of the new Congress, the 110th Congress which is going to be so historic. And Speaker PELOSI's remarks today about energy independence for our country just rang so true. In a district like ours, which is a major new solar manufacturer, as well as wind turbine manufacturer and research region of the country. Coming from the auto belt, you don't think about that. But yet we are a biofuels leader. We have four plants being built now, both soy diesel and corn-based ethanol within our radius of 25 miles of our major community of Toledo, and in fact, some of them right in Toledo.

And I wanted to just take a few minutes, if I might, and I thank Congressman BLUMENAUER and Congressman HOLT. These gentlemen who are with us tonight are really the new age energy thinkers for our country, and I am really so happy to join you on this first night that we are here together.

And I just wanted to put on the record some interesting information that I have been sharing in the committees that I serve on. This particular chart talks about total petroleum consumption in our country, and looks at

the growing share of imported petroleum as a percentage of everything that we consume.

And of course, since the beginning of the Bush administration, America is consuming one billion more barrels of oil per year, largely imported. Imports now constitute nearly three-quarters of what we use in this economy. Americans need to understand that. And over a period of time, from the beginning of the 90s, the share of imports has just risen until where now it comprises a majority of what we consume. This is a diminishing resource. Actually it is a dirty resource.

And I wish to place on the record tonight an article that was in The Financial Times back in December that lists the major companies in the world that are privately held. And I won't read the whole list tonight, except to say, of the top 20 companies, three-quarters are all oil companies, and they are not based in the United States. So all this money that the United States is spending on an imported product could be invested here at home in the new technologies that these fine gentlemen and I are talking about tonight.

Just to give you an idea, Saudi Aramco is number one on the list. Its value, estimated market value, is three-quarters of $1 trillion. $781 billion. And of course, Saudi Arabia has been a very important back up supplier to our country. I wish it were not so, but we have become very addicted to that supplier.

Petroleos Mexicanos, that oil and gas company worth $415 billion, our hard earned dollars flowing to that privately held company.

I won't go through all of them, but the next, Number 3 on the list, and the gentleman discussed Latin America, is Venezuelan Petroleum, valued at $388 billion.

Go down to Kuwait Petroleum, Number 4, $378 billion. Malaysian Petroleum, $232 billion. The idea is you go down and then you get into the companies financing this import, such as the Carlisle Group which has moved up now at $71 billion to Number 22 on the list. So I would like to submit this to the RECORD. The top three-quarters of these companies, the top 20 largest privately held companies in the world are all oil and gas. I wanted to make sure this was placed on the RECORD tonight, and to say that as the author of the first title in any farm bill in American history, a biofuels title, Title IX, we have been incentivizing at a very small level, about $23 million, not billion, $23 million dollars a year, efforts to try to help agriculturalists across this country own the future. It has been such a fight. And I heard the gentleman saying earlier this evening, finally, I think Mr. BLUMENAUER said, after 12 years, we finally have a chance to uncork this really developing answer for our Nation. And we hope that with the new farm bill and with the leadership of Congressman Colin Peterson, who is the right man at the right time in the right committee in the right country, from the Red River Valley of Minnesota, in the farm bill that will be produced this year, that we will be able to piece together the solutions that we know exist.

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	Company	Country	Sector	Estimated Market Value as of Dec 2005 ($bn)	Type	Type (1)
1	Saudi Aramco	Saudi Arabia	Oil gas	781	S	State owned
2	Petróleos Mexicanos (Pemex)	Mexico	Oil gas	415	S	State owned
3	Petróleos de Venezuela SA	Venezuela	Oil gas	388	S	State owned
4	Kuwait Petroleum Corporation	Kuwait	Oil gas	378	S	State owned
5	Petroliam Nasional Berhad (Petronas)	Malaysia	Oil gas	232	S	State owned
6	Sonatrach	Algeria	Oil gas	224	S	State owned
7	National Iranian Oil Company	Iran	Oil gas	220	S	State owned
8	Japan Post	Japan	Postal services	156	S	State owned
9	Pertamina	Indonesia	Oil gas	140	S	State owned
10	Nigerian National Petroleum Corporation	Nigeria	Oil gas	120	S	State owned
11	Abu Dhabi National Oil Company (ADNOC)	UAE	Oil gas	103	S	State owned
12	INOC	Iraq	Oil gas	102	S	State owned
13	Libya National Oil Company	Libya	Oil gas	99	S	State owned
14	Sparkassen-Finanzgruppe*	Germany	Banking	98	P	Association
15	State Grid Corporation of China	China	Electric utilities	87	S	State owned
16	Nippon Life Insurance Company	Japan	Insurance	87	P	Mutual
17	Kohlberg Kravis Roberts Co	United States	Private equity	83	P	Partnership
18	Qatar Petroleum	Qatar	Oil gas	78	S	State owned
19	State Farm Mutual Automobile Insurance Company	United States	Insurance	76	P	Mutual
20	European Investment Bank	Luxembourg	Banking	73	S	State owned

Ms. KAPTUR. I will attest and sort of end with this. In our district today, Dr. Al Campaan, the head of Physics at the University of Toledo, has a solar-powered house from equipment made in Toledo. He takes his truck, with six batteries home, maybe eight, every night. He drives it from the university back home and he plugs it into his house. The technology exists in Toledo, Ohio. He drives it the next morning, a fully charged truck, back into the University of Toledo.

As we move to develop the technology of future, I would just recommend to those who are listening tonight, here in the Chamber and elsewhere, a wonderful book by a former decorated CIA agent, Robert Baer, for whom I have great admiration. He retired. He is in his 50s. We have probably had no better human intelligence officer throughout the Middle East and Central Asia. He wrote a book, Sleeping with the Devil.

□ 2030

When I read that book, I thought I have to meet this man, because he is speaking my language. The life he lived is very different than the life that we have lived, but he looked the problem straight in the eye. The subtitle of the book is: ''How Washington Became Addicted to Saudi Crude.''

And I think it is important to note that the American people know this. They want us to do something. They want us to help transform the country. And I thank all my dear colleagues for allowing me these few minutes on the floor this evening. I was not intending to come here, but you have hit sort of the bull's eye of what this Member of Congress has been involved in for several years, and you could not be on a more important job creation, environmentally right set of initiatives for this country, and it will be a joy to be here working with you on this.

Mr. INSLEE. We appreciate the gentlewoman from the State of Ohio. We know the State of Ohio is going to do some great work on energy under the leadership of the new governor, Ted Strickland, who is committed to this agenda. And he would have been here tonight, but he is serving as governor, or will be in about a week.

I want to make two comments on the transition to a biofuels economy in the United States. First off, some people have said, well, we should not use fiber or plants for fuel. We have to use it only for food. I want to point out the fallacy of that argument. Right now we are exporting an enormous percentage of the foodstuffs we grow. We send it around the world and they send us the cash. What do we do? We take the cash and send it to Saudi Arabia.

Let us cut out the middleman. Let us grow our own. This is time to grow our own. We are sending it all over the world and then sending the cash to

Ridya and Saudi Arabia. Let us keep it right here. Let us grow our own fuel.

By the way, this is no pie in the sky. The Department of Agriculture has concluded we could have 30 percent of our fuel easily in the next 20 years, easily, using very conservative efforts. This is a very achievable goal.

The second point I want to make is that this may happen eventually without Congress's help, but it will be too late. Brazil took 30 years to make this transition to an energy independent condition using their biofuels. They use sugar cane there. They took 30 years. We do not have 30 years to wait. We have a problem with al-Qaeda tonight, we have trouble with global climate change tonight, and we have trouble with a loss of a manufacturing base in America tonight. We do not have 30 years. So we need to act and we need to do some things that the past Congresses and the current administration have not done.

Let me just mention three of them. Number one, they have not given loan guarantee assistance to get some of these plants going. The first cellulosic plant in the world, commercial cellulosic plant in the world is a company called Iogen. They are ready to build a plant. They have contracts with 300 farmers to grow a plant using the leavings of wheat to use cellulosic ethanol in Idaho, but they can not get the loan guarantee to get the job done.

We want to get that job done and get that plant up and running in Idaho. And this is going to be three or four more times effective per acre with increasing profits to farmers as a consequence.

Second, to give Americans this freedom to choose what fuel to use, they have to have cars that burn both gasoline and ethanol and, frankly, the industry has not been willing to do that. So we need to have some requirement to make sure that they make cars that burn gasoline or ethanol. They make a car for less than $100 to burn either one, so it is basically nothing to the manufacturers. We need to require that to be done. Now, they say they are going to do more of them in years, but we do not have years.

Third, we need the pumps that pump either gasoline or ethanol made from midwestern corn or wheat or biodiesel. But the folks in Brazil will tell you that companies do not like putting those pumps in, because now you're competing with their gas and oil. They have a monopoly on gas and oil, and they are not crazy about putting in a pump that competes with them.

So we are going to need to require that Americans be given a choice in pumps. Maybe we start by saying 10 percent of the stations have to have an alternative pump of ethanol, if you have 25 stations. We do not want the moms and pops that have to do this, if they cannot afford it. But if you have a big chain, why not have 10 percent of your stations at least have one ethanol pump so Americans can have that choice.

We took the first step in this journey tonight when Speaker PELOSI said we are going to start making a shift from giveaways to oil and gas towards these new clean energy futures, and I am looking forward to making progress.

And I yield to Mr. BLUMENAUER.

Mr. BLUMENAUER. Thank you. And I am intrigued with the conversation, the way that it is going at this point. We talked a moment ago about giving Americans more choices as to how they transport themselves. We can avoid the disastrous policies of this administration and the past congressional leadership of picking winners and losers and picking the wrong ones to win.

What you have described I have seen in my own State. There are people going gung ho in terms of biomass, in terms of wave energy, and technology that is emerging around the country in colleges and universities, in small businesses and large to take advantage of the opportunity.

If we just level the playing field, if we shift the massive subsidies away from the people who do not need it and do not deserve it, and help level the playing field for these emerging technologies dealing with biomass from any of a variety of fuel stocks, of dealing with electrical, solar, wind, wave, if we level the playing field, if we give them a fair and predictable tax treatment, which we do not do now, we can take these subsidies that are frankly not buying us anything.

It was interesting, the report that was suppressed by the administration for a year, that revealed we actually would have done more for energy supplies in this country, rather than lavishing tax breaks on the most profitable corporations in the world, the oil companies, selling the most profitable product, oil and gas, we would have been farther ahead just buying it up.

By our redirecting these investments, we can help this nascent technology grow around the country and we can have unleashed the potential of making a difference and allowing the free market to work after we level the playing field, after we enable them.

As you indicated, we are probably going to need to have some rules of the game to be able to jump-start these markets. But I really appreciate what you are talking about here.

I was in over a dozen States this last fall working on behalf of a number of our new colleagues, including in Ohio. I am intrigued that they to a person are concerned about global warming, to a person they understand before they become Members of this body what you are talking about here, and it makes me think that we have a real opportunity to tap some creative energy in this body to finally, as I say, stop talking about it and actually do something.

Mr. INSLEE. I would like to note that when Mr. BLUMENAUER talks about leveling the playing field, I think that is very, very important. Because when you look at these entrepreneurs, small businessmen and women that maybe have 10, 15, or 20 employees who are working out of their garage or a little warehouse they have rented somewhere and they are developing some new way. For instance, there is a company called Fiber Forge in Colorado, and they are developing a new way to use composites to build the body of an automobile that can be four times stronger than steel and weigh 30 to 40 percent as much.

Now, the challenge in doing this, we are building a composite airplane, the first one ever, the Boeing 787, but the challenge is how do you do that quickly in mass manufacturing, because it takes a lot of hand labor right now. Well, here is a little company called Fiber Forge and they are developing a way to manufacture this using mass production methods that will decrease the cost so you can build cars someday, the body of a car, out of composites that are stronger and weighs about half as much. Do not hold me to that exact number, but significantly less. But they are not getting subsidies, tax breaks, or help, whereas the giant oil companies of the world are getting those huge tax write-offs given to them by Congress.

I want to mention two other subsidies the oil and gas companies have that these new competitor businesses do not have. Subsidy number one. Probably a third of our defense budget is dedicated to the protection of our oil lanes to protect the oil these companies get and then sell to us at $3 or $2.50 a gallon. That is a multibillion dollar subsidy to the oil and gas industry that solar, wind, biofuels, clean coal that we can dig up and hopefully someday burn cleanly, they do not get that subsidy at all. That is number one.

Subsidy number two. The solar people, the wind people, the clean coal people, the wave power people, the transit people, people who do not put carbon dioxide in the air, they are competing with a company that is using the atmosphere as a free dump. The oil and gas companies today, and those using dirty coal today, are using the atmosphere as a free dumping ground to put their carbon dioxide in and they are not paying a penny for it. These other business people do not have that subsidy.

We have to do something about that so that there is some cost associated with using the air we breathe as a private dumping facility. When you go to the garbage dump now it costs us 25 bucks to dump a bunch of stuff out of your pickup into the dump, but these industries can put it into our air for free.

Now, we fixed that with sulfur dioxide and we fixed that with nitrous oxide, we have a cap and trade system, but there is a giant loophole, a giant loophole that these companies use for carbon dioxide. It is the most serious pollutant in the world today, but there is a loophole in our laws that does not impose any cost associated with putting that pollutant into our atmosphere. That needs to get fixed as well.

Now, we are going to have a long discussion about the best way to do that, but we have to do it.

I would yield to Ms. KAPTUR.

Ms. KAPTUR. I want to agree with what the gentleman is saying, and look back at the last century, which was the century of hydrocarbons. This century will be the century of carbohydrates and unlocking the power of the carbohydrate molecule in a way we have never understood it before.

Those who came before us were on this track but got derailed from it. In the early part of the 20th century, in our district, we had a car that was kind of famous called the Clyde car. It was built by the Clyde Bicycle Works, and it was built around 1898 or 1902, somewhere in there. You see this Clyde car and you look at the steering wheel and it has two levers on it. One lever is for alcohol-based fuel. You know, they knew how to build stills back then. And the other is for petroleum-based fuel. And I have been amazed to open the trunk of the car and see two different fuel tanks and think, my gosh, how did we move from that, which was what the gentleman was talking about, choice at the pumps and choice of vehicles, and where we are today. Because certain people made certain choices.

I just mention that particular example and say that as our industries and our small businesses try to bring up these new technologies, what the gentlemen are saying tonight, Mr. INSLEE, Mr. BLUMENAUER, and Mr. HOLT about financing and the tax aspects of this, if you look at certain farmers in Ohio who have tried let's say to raise the capital to build a plant, amazing things are happening that are not so good out there.

The big buck players come in and they offer people on the board money so they never bring up that production, because there is an effort by those who are currently big buck dealers, in alcohol-based fuels, let's say, to want to control the market just like the oil companies are controlling the market. We see that some farmers do not have the organizational structure that they need in order to own some of this so that our rural communities across America will be able to find new value added and lift themselves to a new economic future.

I think, and I am not sure that everyone on the Agriculture Committee agrees with me on this yet, but we need some type of loan guarantee program or long-term financing in a structure like the Federal Land Banks or our Rural Electrics, which we started years ago, so that we have a system that is long term and permits them to stay in business so that some big buck operator does not come in, drive the price down in a given small market, and not permit them to be able to bring up and let this industry flower.

So the tax and financing aspects that we have been talking about are very, very important.

I also just wanted to say something about the science, as a member of the Agriculture Committee. It is amazing that in 2007, we do not know, in terms of row crop production, how to get the most yield out of a carbohydrate-based plant and a planting system that does the least damage to the atmosphere and yields the most combustible product.

□ 2045

For example, everyone is into ethanol from corn because we have subsidized corn up to here. But what about beans that have more oil? What about canola? What about castor? We stopped growing castor beans because of the byproduct of ricin. But could we biogenetically take ricin out of castor beans and get more oil per acre?

We have got to do the science of planting, and we are just at the beginning of that age. We only have a glimmer of what that could be like. This is a major area for research where we could make a huge difference.

Mr. INSLEE. I just want to comment on that. I think basically a way to say this is that our current biofuels economy, which is very productive, and I believe is at least a small improvement on net CO^2, is really a first generation of biofuels. We have a second and third generation that are very close to coming.

One of them is this cellulosic ethanol that I have talked about. There is a company called Logen, there are several other companies doing this, to use a cellulosic method in an enhanced way of breaking open the cell to get at the carbohydrates. When we do this, this second generation of biofuels is really going to kick in and make this competitive.

I want to mention one thing before I yield to Mr. HOLT, and that is we have just Democrats participating in this discussion. But our fellow Republicans are also involved in this discussion. I, myself, and others are talking to some of our Republican colleagues, developing a bill to try to enhance this second generation of ethanol.

We do want to make this, and believe we can make this, a bipartisan effort now that we have new leadership that will free us from the chains of the oil and gas companies that have shackled the Congress to date. We are going to have some colleagues on the other side of the aisle work with us, too.

I yield to Mr. HOLT.

Mr. HOLT. Mr. Speaker, I thank the gentleman. For years, ethanol was dismissed as a net energy loser. It cost more energy to grow the crops and ferment them and produce useful fuel; it took more fuel than it provided. It was a net energy user. So it was easy to dismiss that and not invest much money in distribution systems and so forth.

Then, because there were not distribution systems, there was not much motivation to develop more efficient catalytic processes, to work with the waste, as you would be doing with cellulosic ethanol, for example. It really was, if we may mix an agricultural metaphor here, a chicken and egg problem, and we need to step in.

This is the sort of thing that the government can do at low cost without picking winners and losers by actually providing more choice, by making it possible for people to distribute the fuel as the new technology makes it economical and efficient to produce that fuel. It is a matter of investment in research and investment in infrastructure. Some of this is done through incentives, some of it is done through demonstration projects, some of it is done through direct investment of research and development. We can break out of this self-defeating chicken and egg cycle, or chicken and egg restriction.

Mr. INSLEE. I want to note too, as we do that, we want to do in a way that is fiscally responsible. One of the things we have done is to pay for these things by repealing some of these tax breaks that have gone to the oil and gas companies, and then shifting them over to these investments, to do this in a fiscally responsible way.

We also want to do it in a way that helps businesses rather than hurts them. Some of the incentive programs that have been done in the past have been done in a way to ensure their failure.

For instance, some previous Congresses have been in the terrible habit when they do tax incentives that are intended to help businesses grow, they have done it for one year at a time or two years at a time; and venture capitalists, and I have talked to many of them, say we are not going to make multibillion dollar investments, realizing the rug can be pulled out from under us.

That has been done because Congress has tried to hide the deficit, so they have tried to make these things seem like they are short term.

We only have about two more minutes. I would just like to yield to anyone who has a closing comment.

Mr. BLUMENAUER. If I could briefly comment, I appreciate what you have each indicated in terms of the new generation of dealing with biofuels. I think this is an example of how we move forward.

You are absolutely right in terms of being able to zero in on the research, to squeeze out of this, to have tax incentives that are uniform, predictable and deal with the second and third generation of ethanol development and dealing with what might happen in terms of unlocking the power of biology here.

I have been struck by how there are many opportunities for us in the new farm bill to redirect, what is it, $23 billion of subsidy at this point that flows increasingly to a very small number of farmers, often corporate farms or large ones in a small limited area in a small, limited number of crops. We have an opportunity to unlock that, help farmers with their energy production, allow more farmers into it and find out how we unlock the power of this ingenuity.

Mr. INSLEE. We just have a few seconds. I would like to just make a closing comment.

First, I would thank my colleagues and say that I really do believe this is a historic moment for the industrial base and agricultural base of America, which is today's date, to start to move to a new base away from just a dirty fossil fuel-based system to a clean energy system. We are starting to do this starting today. We are going to join Republicans, hopefully, in finding a bipartisan way to do it.

We can tell people that the genius of Americans is in these new wind sources, wind turbines, solar cells, transit, flex-fuel vehicles, plug-in vehicles, cellulosic ethanol, wave power, geothermal, fuel efficient appliances, energy efficient homes; this job is going to get done by a new Congress and it is a bright day for the country.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. BOUCHER). The gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate once again the opportunity to come to the floor of the House, and I am pleased to do it on the first day of the 110th Congress. It is an exciting day, a historic day.

I want to thank the leadership for allowing me the opportunity to host an hour of the Official Truth Squad. We started this 2 years ago, and did so because there were many of us who were concerned about the fact that on the floor of the House oftentimes the words that were spoken and the presentations made oftentimes bore little resemblance to the truth. So we began 2 years ago to institute the Official Truth Squad, to try to come to the floor like this every so often and try to do it at least once a week to bring light to issues of concern to the American people.

Today is no different. This is a historic day, the first day of the 110th Congress. It was an exciting day. The first day is always exciting. It is full of families and celebration and children on the floor of the House sharing the remarkable experiences of Members being sworn in, oftentimes new Members, of which we have today, Mr. Speaker, as you know, over 50 new Members in the House of Representatives. So it is an important occasion.

We heard a lot of discussion leading up to today, and that discussion was culminated in November by a vote by the American people, and the American people voted and changed the majorities in the House of Representatives. And in terms of the American people's decision, it was the right decision for them because it was the decision that they made at the polls. It was important for us, it is important for all of us to appreciate that, yes, they did, the American people spoke.

I think one of the things that they said is that they want a different process here. They were tired of some of the things that had gone on here in the past, so they spoke and said a different process is needed.

Many of my friends on the other side of the aisle, Mr. Speaker, as you well know, talked as we led up to the November elections about the need for civility in Congress, which we believe wholeheartedly, about the need for openness, which is imperative for us to have in our system of government, openness, and then fiscal responsibility, kind of three tenets that they brought to the American people. I would concur with each and every one of those.

I would suggest, Mr. Speaker, that those principles by the now-majority party ought to last longer than one day of speeches. So we have some concerns about what has occurred and some disappointments already, and we would like to share some of those with the American people as we are presenting things to the House of Representatives this evening.

Now, in pointing these out, the purpose is not to say how good it was when we were in the majority, because it can always be better. As many of us talked in the election process, the campaign process, we talked about the kinds of improvements that we would like to see. The purpose is to shed light on both word and deed, and it is important, because what folks say and what they do, it is important for the American people to know that those two things are the same.

In our system of government, we have elections where people go to the polls and vote. They vote based on a lot of things, but probably most importantly they base their vote on the fact that they believe that the person that they voted for and what they said they were going to do was in fact what they were going to do. So when individuals say things that they are going to do once they get into office and then they break those promises, then it is important for people to be held accountable. The American people do that time and again.

It is also important as a Member of now the minority party for us to hold the majority party accountable. One of the responsibilities we have in our dynamic form of government is to hold them accountable, and we do this as a matter of principle. It is a matter of principle, and we believe it is a matter of principle that elected officials ought to be held accountable for not just what they say, but also what they do.

To that end, I would like to share, Mr. Speaker, some quotes. We are going to talk a fair amount tonight about what individuals have said in the past, oftentimes the recent past, and what we have some concerns with in terms of their action.

This first quote is from the ''Declaration on Honest Leadership and Open Government,'' which was one of the Democrat Party's publications that they had prior to the election. The quote there is from the now-Speaker. It says: ''Our goal is to restore accountability, honesty and openness at all levels of government.'' It is a noble goal. It is a noble goal. We would agree with that. It is just important that when one says that that is your goal and that is your purpose that, in fact, you comply with that.

The Washington Post on December 17, 2006, said Speaker PELOSI is determined to try to return the House to what it was in an earlier era ''where you debated ideas and listened to each other's arguments.'' Where you debated ideas and listened to each other's arguments. That is important as we go through the process of what is of concern to many of us here in the House of Representatives about how the process is already being implemented.

This is a quote from July of 2005 from Representative RAHM EMANUEL, now the chairman of the Democrat Caucus, and he voiced some frustration about the inability to have either an amendment or a vote on the floor. He said, ''Let us have an up and down vote. Don't be scared. Don't hide behind some little rule. Come on out here. Put it on the table and let us have a vote. So don't hide behind the rule. If this is what you want to do, let us have an up and down vote.''

It is important to remember that the purpose of that was to say that every Member of the House of Representatives ought to have the opportunity to in fact offer amendments and have their opportunity for people to say, yes, I agree with you and your amendment or your bill, or, no, I don't.

Here is a quote from Representative STENY HOYER, now the majority leader, in October of 2005. The one that I would like to highlight here is a quote where he said these provisions are an outrage, talking about the rules that were in

place: ''These provisions are an outrage and this process is an outrage. As one Member of this body complained, once again the vast majority of Americans are having their representatives in Congress gagged by the closed rule committee.''

□ 2100

Now, we will talk a fair amount this evening about what a closed rule is and why Representative HOYER in October 2005 would have made that comment, saying that the representatives were being in effect disenfranchised in the House of Representatives.

This quote comes from our now Speaker, Speaker PELOSI, who, in a letter to then-Speaker DENNY HASTERT in October of 2006 said, and this is an important quote, because this is one of those promises that were made prior to the election and that I believe affected individuals all across this Nation and what they were going to do when they went to the polls in November.

This, again, is from now-Speaker PELOSI to then-Speaker HASTERT. And what this says is, ''More than two years ago, I first sent you Democratic proposals to restore civility to the Congress. I reiterate my support for these proposals today. We must restore bipartisanship to the administration of the House, reestablish regular order for considering legislation,'' and we will talk about what that means, ''and ensure the rights of the minority, whichever party is in the minority.'' Restore the rights of the minority, whichever party is in the minority. ''The voice of every American has a right to be heard.''

We would certainly concur with that. And, again, we will point out some of the concerns and disappointments that many of us have about the process that we have already seen in place today.

This quote here, Mr. Speaker, is from a Washington Post article of January 2, 2007, 2 days ago. And it says, ''As they prepare to take control of Congress this week and face up to the campaign pledges to restore bipartisanship and openness, Democrats are planning to largely sideline Republicans from the first burst of lawmaking. Instead of allowing Republicans to fully participate in deliberations as promised after the Democrats victory in the November 7 midterm elections, Democrats now say they will use House rules to prevent the opposition from offering alternative measures.''

And so we think it is important for people to be held accountable for what they say and what they do. We also think it is important, Mr. Speaker, as a matter of principle for people to do what they say they are going to do, especially elected officials.

So, Mr. Speaker, I place into the RECORD an article which appeared in The Washington Post on January 2 that included this quote, in addition to that an editorial which appeared in the Washington Post yesterday entitled, ''A Fairer House, But Not Quite Yet.''

[From the Washington Post, Jan. 2, 2007]

DEMOCRATS TO START WITHOUT GOP INPUT: QUICK PASSAGE OF FIRST BILLS SOUGHT

(By Lyndsey Layton and Juliet Eilperin)

As they prepare to take control of Congress this week and face up to campaign pledges to restore bipartisanship and openness, Democrats are planning to largely sideline Republicans from the first burst of lawmaking.

House Democrats intend to pass a raft of popular measures as part of their well-publicized plan for the first 100 hours. They include tightening ethics rules for lawmakers, raising the minimum wage, allowing more research on stem cells and cutting interest rates on student loans.

But instead of allowing Republicans to fully participate in deliberations, as promised after the Democratic victory in the Nov. 7 midterm elections, Democrats now say they will use House rules to prevent the opposition from offering alternative measures, assuring speedy passage of the bills and allowing their party to trumpet early victories.

Nancy Pelosi, the Californian who will become House speaker, and Steny H. Hoyer of Maryland, who will become majority leader, finalized the strategy over the holiday recess in a flurry of conference calls and meetings with other party leaders. A few Democrats, worried that the party would be criticized for reneging on an important pledge, argued unsuccessfully that they should grant the Republicans greater latitude when the Congress convenes on Thursday.

The episode illustrates the dilemma facing the new party in power. The Democrats must demonstrate that they can break legislative gridlock and govern after 12 years in the minority, while honoring their pledge to make the 110th Congress a civil era in which Democrats and Republicans work together to solve the nation's problems. Yet in attempting to pass laws key to their prospects for winning reelection and expanding their majority, the Democrats may have to resort to some of the same tough tactics Republicans used the past several years.

Democratic leaders say they are torn between giving Republicans a say in legislation and shutting them out to prevent them from derailing Democratic bills.

''There is a going to be a tension there,'' said Rep. Chris Van Hollen (Md.), the new chairman of the Democratic Congressional Campaign Committee. ''My sense is there's going to be a testing period to gauge to what extent the Republicans want to join us in a constructive effort or whether they intend to be disruptive. It's going to be a work in progress.''

House Republicans have begun to complain that Democrats are backing away from their promise to work cooperatively. They are working on their own strategy for the first 100 hours, and part of it is built on the idea that they might be able to break the Democrats' slender majority by wooing away some conservative Democrats.

Democrats intend to introduce their first bills within hours of taking the oath of office on Thursday. The first legislation will focus on the behavior of lawmakers, banning travel on corporate jets and gifts from lobbyists and requiring lawmakers to attach their names to special spending directives and to certify that such earmarks would not financially benefit the lawmaker or the lawmaker's spouse. That bill is aimed at bringing legislative transparency that Democrats said was lacking under Republican rule.

Democratic leaders said they are not going to allow Republican input into the ethics package and other early legislation, because several of the bills have already been debated and dissected, including the proposal to raise the minimum wage, which passed the House Appropriations Committee in the 109th Congress, said Brendan Daly, a spokesman for Pelosi.

''We've talked about these things for more than a year,'' he said. ''The members and the public know what we're voting on. So in the first 100 hours, we're going to pass these bills.''

But because the details of the Democratic proposals have not been released, some language could be new. Daly said Democrats are still committed to sharing power with the minority down the line. ''The test is not the first 100 hours,'' he said. ''The test is the first 6 months or the first year. We will do what we promised to do.''

For clues about how the Democrats will operate, the spotlight is on the House, where the new 16-seat majority will hold absolute power over the way the chamber operates. Most of the early legislative action is expected to stem from the House.

''It's in the nature of the House of Representatives for the majority party to be dominant and control the agenda and limit as much as possible the influence of the minority,'' said Ross K. Baker, a political scientist at Rutgers University. ''It's almost counter to the essence of the place for the majority and minority to share responsibility for legislation.''

In the Senate, by contrast, the Democrats will have less control over business because of their razor-thin 51–to–49–seat margin and because individual senators wield substantial power. Senate Democrats will allow Republicans to make amendments to all their initiatives, starting with the first measure—ethics and lobbying reform, said Jim Manley, spokesman for the incoming majority leader, Harry M. Reid (D–Nev.).

Those same Democrats, who campaigned on a pledge of more openness in government, will kick off the new Congress with a closed meeting of all senators in the Capitol. Manley said the point of the meeting is to figure out ways both parties can work together.

In the House, Louise M. Slaughter (D–N.Y.), who will chair the Rules Committee, said she intends to bring openness to a committee that used to meet in the middle of the night. In the new Congress, the panel—which sets the terms of debate on the House floor—will convene at 10 a.m. before a roomful of reporters.

''It's going to be open,'' Slaughter said of the process. ''Everybody will have an opportunity to participate.''

At the same time, she added, the majority would grant Republicans every possible chance to alter legislation once it reaches the floor. ''We intend to allow some of their amendments, not all of them,'' Slaughter said.

For several reasons, House Democrats are assiduously trying to avoid some of the heavy-handed tactics they resented under GOP rule. They say they want to prove to voters they are setting a new tone on Capitol Hill. But they are also convinced that Republicans lost the midterms in part because they were perceived as arrogant and divisive.

''We're going to make an impression one way or the other,'' said one Democratic leadership aide. ''If it's not positive, we'll be out in 2 years.''

House Republicans say their strategy will be to offer alternative bills that would be attractive to the conservative ''Blue Dog'' Democrats, with an eye toward fracturing the Democratic coalition. They hope to force some tough votes for Democrats from conservative districts who will soon begin campaigning for 2008 reelection and will have to defend their records.

''We'll capitalize on every opportunity we have,'' said one GOP leadership aide, adding that Republicans were preparing alternatives to the Democrats' plans to raise the minimum wage, reduce the interest on student loans, and reduce the profits of big oil and energy companies.

Several Blue Dog Democrats said they do not think Republicans can pick up much support from their group.

''If they've got ideas that will make our legislation better, we ought to consider that,'' said Rep. Allen Boyd Jr. (D–Fla.), leader of the Blue Dogs. ''But if their idea is to try to split a group off to gain power, that's what they've been doing for the past 6 years, and it's all wrong.''

To keep her sometimes-fractious coalition together, Pelosi has been distributing the spoils of victory across the ideological spectrum, trying to make sure that no group within the Democratic Party feels alienated.

Blue Dogs picked up some plum committee assignments, with Jim Matheson (Utah) landing a spot on Energy and Commerce and A.B. ''Ben'' Chandler (Ky.) getting an Appropriations seat. At the same time, members of Black and Hispanic caucuses obtained spots on these panels, as Ciro Rodriguez (Tex.) was given a seat on Appropriations and Artur Davis (Ala.) took the place of Democrat William J. Jefferson (La.) on Ways and Means.

Democrats acknowledge that if they appear too extreme in blocking the opposing party, their party is sure to come under fire from the Republicans, who are already charging they are being left out of the legislative process.

''If you're talking about 100 hours, you're talking about no obstruction whatsoever, no amendments offered other than those approved by the majority,'' said Rutgers's Baker. ''I would like to think after 100 hours are over, the Democrats will adhere to their promise to make the system a little more equitable. But experience tells me it's really going to be casting against type.''

''The temptations to rule the roost with an iron hand are very, very strong,'' he added. ''It would take a majority party of uncommon sensitivity and a firm sense of its own agenda to open up the process in any significant degree to minority. But hope springs eternal.''

[From the Washington Post, Jan. 3, 2007]

A FAIRER HOUSE: BUT NOT QUITE YET

The new Democratic House majority has an ambitious plan for its first 100 hours in power, from increasing the minimum wage to strengthening ethics rules to having the federal government negotiate prescription drug prices. Unfortunately, its plans don't include getting those provisions passed in the democratic fashion that the Democrats promised to adhere to once in the majority. When Republicans took over in 1995, they at least went through the motions of putting their ''Contract With America'' proposals through the normal committee process. Democrats under Speaker Nancy Pelosi (D–Calif.) have decided not to bother with that, nor to let Republicans offer amendments on the floor, nor even to put a GOP alternative up for a vote. This is exactly the kind of high-handed mistreatment that Democrats complained about, justifiably, when they were in the minority.

Democrats offer various rationales for their about-face. They say the streamlined process is necessary because they've pledged to accomplish so much in their first 100 legislative hours. But what makes living up to that self-imposed deadline—which will stretch on for weeks, in any event—more important than living up to their promise of procedural fairness? And why, even if that deadline is sacrosanct, couldn't Republicans at least be offered an opportunity to offer alternatives on the floor?

Democrats also argue that their proposals have been fully vetted and debated, but in fact many of them involve complex policy choices and some are new proposals. Democrats howled when Republicans moved unilaterally to change the rules governing the operations of the House ethics committee; why is it different for them to move unilaterally to change ethics rules? Questions such as whether the minimum wage increase should be combined with tax breaks for small businesses and whether the federal government should be the only party negotiating Medicare prescription prices ought to be put up for discussion and a vote. If that causes a fracture in the Democratic caucus, so be it.

Republicans, who were only too happy to strong-arm and ignore Democrats when the GOP was in the majority, are now, of course, moaning about being abused. In a nice bit of political theater, they plan to offer Ms. Pelosi's own ''Minority Bill of Rights'' from 2004, which would provide for, among other things, ''open, full and fair debate consisting of a full amendment process.''

Democrats say that they'll adhere to their previous promises once their first flurry of business is finished. We look forward to that. But if they don't reconsider, they will set an unfortunate precedent that fairness will be offered on sufferance, when the majority finds it convenient, and not as a matter of principle. That would not be a good start for the 110th Congress.

Mr. Speaker, I am pleased tonight to be joined in our discussion about truthfulness and our discussion about keeping promises and our discussion about the rules process by a couple of my colleagues, and others may join. And I would like to ask first for a comment or two from Congressman MCHENRY from North Carolina.

Congressman MCHENRY is an individual that came to Congress with me after the 2004 election, and has shown just great perspective and great work ethic in making certain that he understands and appreciates all of the nuances of the House and, as a matter of fact, has championed ethics reform in this House. And so I thank you so much for joining us tonight for the Official Truth Squad and look forward to your comments on the ethics that we have seen so far and also on the minority bill of rights that we have co-authored together.

Mr. MCHENRY. Thank you, Congressman PRICE. I appreciate your leadership, friendship, and support in our first term in Congress and as we begin our second. And I appreciate you pulling together the Official Truth Squad and taking this from an idea and actually making it into reality. After all, that is what this legislative process and indeed this House of Representatives is all about, is taking an idea, a powerful idea and making it happen for the American people.

To that end, the Official Truth Squad is here to make sure that the American people know what happens here in these hallowed halls of Congress. And I think it is important, what you point out today from the Democrat leaders' words and actions on their opening day and the lead-up to taking control of this new Congress. It is indeed a new day here, and the American people know that. And I think what the American people see is that the Democrats worked very hard in the campaign and were rewarded by taking control of this wonderful Congress of us, the people's House, and they campaigned on a number of things. But one of the key tenants and key principles upon which they ran their campaigns and the rhetoric they used during the campaign was about openness, honesty, and fairness.

This openness idea, it is a wonderful thing to talk about and I think it is something that I stand for and I know my colleague from Georgia does as well, and we have worked very hard during our times in public service to provide this for the American people. But it was their number one tenant in the campaign, their number one principle, openness.

Well, on the opening day of Congress, we were hoping as the new minority that this new Democrat majority would ensure openness and fairness. And that is why Congressman PRICE and I, along with some of my other colleagues, joined together to offer the minority bill of rights. And what the minority bill of rights is, in essence, is what all fifth graders in America are taught: It is the legislative process that, when you file a bill in this House, it goes to committee or subcommittee, and it is heard, it is debated, it is amended, it is crafted, and there is compromise in the process. All sides, Democrats, Republicans, conservatives, moderates, liberals, they are all heard. And then it comes to this House floor, where it again goes through that very same process of compromise and input. Well, that is what the minority bill of rights is all about. And what we offered as the minority bill of rights and what we offered here on the House floor today with our two procedural votes today, was ensuring that these principles, which then minority leader NANCY PELOSI, now Speaker PELOSI, advocated just 3 years ago.

So what we offered was, in fact, the Pelosi minority bill of rights. It is not simply a Republican idea, it is actually the minority leader, now the Speaker, her ideas on the way this place should be governed. And when we offered it

here on the floor, it was flatly rejected. So it became clear here on the opening day, the opening hours of this new Democrat majority, the campaign on openness, that they really advocated closed process and they only want their ideas, their few ideas heard. They don't want any input or any dissenting opinion.

The bottom line is that Speaker PELOSI thinks that Minority Leader PELOSI was wrong. I think some people call that hypocrisy, some call it ironic to campaign on that. I think it is ridiculous on the opening day of Congress, after a new majority is elected on openness, that they cram down the throats of all the Members of this House a closed rule that does not allow for input, does not allow for amendment, doesn't allow for full, open, and fair debate, on their opening day of their first act as a majority. That is what is so egregious about what we saw here on the House floor.

In fact, this type of abuse has never happened before in the history of the U.S. House of Representatives, the idea that you put a rule out, a rule forward that closes off debate on an unknown bill. We can't even see the text of the bills that they are offering in their 100-hour proposal. They have closed it off from minority view. Simply because I have an ''R'' beside my name, they believe that I am not able to view it.

Well, I have got news for them. I have got news for this new Democrat majority. 140 million Americans voted for a Republican for U.S. Congress. They are not simply silencing a Member of Congress from North Carolina or a Member of Congress from Georgia; they are silencing the constituents who elected me. That is not fair. That is not openness. That is not a new way of operating. In fact, it is a very old way of operating that the Democrats used when they were in the majority before.

So I think that we should set aside the first day and be hopeful for a second day and a new beginning. We like second chances as Americans. Let's give the Democrats a second chance for true openness, input, and dialogue in a bipartisanship basis; not simply use it as a rhetorical device during the campaign, but to actually govern that way, to actually do it, make sure it happens here on this House floor, not for us as Members of Congress, but for our constituents and for the American people.

Mr. PRICE of Georgia. I appreciate those comments so much, because they really bring into focus and clarity exactly what happened today.

As I mentioned before, the purpose of this is not to say to folks, well, it was better when we were in the majority. The purpose is to say the promises that were made to the American people and decisions that the American people made upon those promises are not being followed. They are not being followed. And when they are not being followed, what that means when it comes to rules, it means that the individuals who represent those 140 million people are not allowed a voice, which means in essence that those 140 million people have no voice in the House of Representatives as it relates to the rules that have been put in place.

I also think it is important to talk about the fact that it never happened before. There is kind of this general sense by some that this is just business as usual. Well, it is not business as usual. And one of my colleagues who knows better than most, who understands and appreciates that, is my good friend from Georgia, fellow colleague from Georgia, Congressman GINGREY, who is a former member of the Rules Committee, who I think has a wonderful perspective on the rule that will enact bills in place on this floor of the House without any review by committee, any review by anybody other than potentially, I guess the Speaker, and that may be it.

So, I am so pleased that you joined us this evening to talk about what is a closed rule within a closed rule and to talk about the bills and the consequences of that for the American people. I welcome my good friend, Congressman GINGREY.

Mr. GINGREY. I thank my colleague from Georgia (Dr. PRICE) for yielding, and I thank my friend from North Carolina (Mr. MCHENRY), the two coauthors of the minority bill of rights. I am a proud co-sponsor of that, and I am proud of their ethics in regard to that.

And also, Mr. Speaker, let it be known to our colleagues that this Official Truth Squad of the former freshman Members, now sophomore Members, this is not something they just dreamed up tonight. This is something that they have been doing for the entire 109th Congress and putting some sunshine out there on a lot of these issues and shining that light of day, and this is, of course, part of a continuing process.

Dr. PRICE and Mr. MCHENRY are exactly right; I was enjoying very much being on that select powerful, powerful Rules Committee, and had that opportunity to go home and tell the folks back home that I am a member of the powerful Rules Committee. And as a member, many times I had an opportunity to hear the minority, the current chairman, Ms. SLAUGHTER, the vice chairman, Mr. MCGOVERN, the senior members, Mr. HASTINGS and Ms. MATSUI, talk about the process and talk about this idea, the appalling idea of a closed rule as Congressman PRICE points out, and what they are doing in this rules of the House package that they are sort of forcing upon us in asking us to vote on with much less than 24-hour notice.

Just listen to some of the quotes of the former four minority members of the Rules Committee who are now running the show and driving this package that contains not one significant piece of legislation, but five pieces of legislation, including the minimum wage bill, the stem cell research bill, which indeed is truly life and death issues, the 9/11 Commission Report, completing the recommendations of the 9/11 Commission. I mean, these are not naming of post offices, Mr. Speaker and my colleagues. We all know that and we know the significance. But listen to what my colleagues would say and did say many times in regard to one piece of legislation.

First of all, let me quote Ms. SLAUGHTER: ''If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, Mr. Speaker, not just appropriations bills which are already restricted. An open process should be the norm and not the exception.'' This is from the CONGRESSIONAL RECORD of June 14, 2005.

□ 2115

Listen to what my good friend, Mr. MCGOVERN, had to say on September 28, 2006: ''If the Republican leadership does not agree with the bipartisan substitute, then they should defeat it on the House floor after a full and open debate. Instead, they cower behind procedural tricks, parliamentary sleight of hand and closed rules. No wonder the American people are disgusted with Congress. If my Republican friends want this trend of closed rules, of no amendments, of no democracy in the House to continue, then by all means vote for this rule. Just go along to get along. But if you believe, as I do, that the monopoly on good ideas is not held by a few members of the leadership in a closed room, then vote 'no.' Have the guts to vote 'no.' ''

That was Representative JIM MCGOVERN.

Listen to what our good friend, a senior member on the Rules Committee, Mr. ALCEE HASTINGS, had to say on September 28, 2006: ''I have said it before: the way the majority runs the House is shameful. It is hypocritical, it is un-American, it is undemocratic, and it happens every single day that we have a closed rule, and in other circumstances as well.'' He goes on to say ''closed rules are an affront to our democracy. We should stop it now. My outrage and the outrage of all on this side is as much about process as it is about policy. Pure partisan politics never produces sound public policy.'' CONGRESSIONAL RECORD, July 12, 2005.

Finally, the gentlewoman from California, Ms. MATSUI: ''The American people want to hear practical, well-thought ideas from their elected representatives. Today we could have had that honest, engaged and realistic debate. These proposals and ideas deserve to come to the floor. They deserve to

be debated, and they deserve a vote. Unfortunately, under the rule reported out, this will not happen. Instead, we will have a gripping session that yields no results. Congress is part of this government. In fulfillment of its responsibilities, this House should reject this rule and bring real policy to the floor.'' CONGRESSIONAL RECORD, June 15, 2006.

Mr. Speaker, I could go on, but I think you get my drift. They are doing exactly what they railed against us about. The righteous indignation that we heard on a continuing basis in the Rules Committee, and here they come with the rules of the House, and they include in it five pieces of legislation with no rule whatsoever. What do we get? A motion to recommit.

Mr. MCHENRY. Mr. Speaker, the gentleman's quotes are quite illuminating about the rhetoric that the Democrat Members used versus their actions on opening day. Your expertise on the Rules Committee is quite prescient.

There are three additional quotes that come to mind from earlier today. In the new Speaker's speech today, her rather elaborate speech today about the agenda for this new Congress, she said three things that are of importance to what we are talking about here. She said first, respect for every voice. That is what their new majority is about. And it is also to work for all of America. And, finally, it is for common ground for the common good.

Those are wonderful things and wonderful ideals that this House should live up to. But as my colleague from Georgia said, it shouldn't be simply a speech. It shouldn't simply be rhetoric; it should be reality. It should be the practice of this House to seek common ground to work for all of America, even those that didn't vote for the Democrat majority, all of America, and respect every voice, even if you have an ''R'' beside your name, respect for every idea that comes out of this place so that we can do what is best and right for America. It is not simply about process.

I think my colleague from Georgia said that very well. It is not about process. It is about the effects that that process have on public policy and the outcomes. If you rig the process, which I think there are countries around the world that rig their voting process, that is not true democracy. Fairness and openness, that is what brings about the best result for all of America. It is not about a Democrat idea or a Republican idea; it is about doing what is right on a bipartisan basis for the American people.

Mr. PRICE of Georgia. I appreciate those comments, and I appreciate the comments of the gentleman from Georgia (Mr. GINGREY).

I think it is appropriate now to ask my good friend, the gentlewoman from North Carolina (Ms. FOXX), to make some comments about civility. Congresswoman FOXX is a dear friend and has had great concern about the level of discourse in this House of Representatives, has participated actively in the Official Truth Squad. I know you had some comments that you wanted to make about the level of civility and the importance of that in this House.

Ms. FOXX. I want to thank you, Congressman PRICE, for bringing the Truth Squad back. It is unfortunate that we had to do it on the first day of session, but it was necessary to do that. As some folks know who may have seen us in the 109th Congress, and you know to me it seems like it was only yesterday we were here. It does not seem like a while ago.

We began the Official Truth Squad because our colleagues on the other side of the aisle were constantly saying things that we knew were not true, and we felt that somebody needed to respond to them. It fell to a group of primarily freshmen Members to form the Truth Squad, although we had great help from some of our colleagues, some of whom are here tonight, to talk about the truth.

Unfortunately, a lot of what our colleagues said in the 109th Congress, some of those things that were not true were believed by the American people, and they believed a lot of the things that they said that were not true about the economy, about things that were happening in the government; but they believed them on their promises of what they said they would do.

They offered to make changes, and we know that there were some Republicans who didn't do all that they should have done, not just in the last Congress but in others. And so the American people have held our feet to the fire on this. I think we came back here, though, with a very positive spirit and we all came in today knowing it was going to be a very historic day, but we were going to celebrate the very positive day that we have here.

All of us are very grateful for the wonderful opportunity to serve in the Congress of the United States, and we came here with the idea that we were going to solve problems that all Americans face. We see that happening in our communities every day. We see Democrats and Republicans working together side by side in many different ways.

I marvel every time I go to a parade or to some fair or some event that is put on by a community and how the people have worked together to do that, very often without any support from any government body because they put aside political differences for the good of the community. That is obviously what we Republicans want to be happening in the 110th Congress.

We believe that the American people are united in their desire for peace and national security. They want solutions to problems, not partisan bickering that only creates deadlocks and no solutions.

Again, the people in our communities do that every day, and so we looked forward to the goal and the promise of the new majority to restore the House to civility, to restore open debate so that ideas can be examined, always reviewed and respected. And as Leader BOEHNER said today in his speech, ''May the best idea win.''

We are here to debate ideas. We want to put the best ideas out there and know that if we put our good ideas out there and get them up for a vote, many times they are going to win; and many times we are going to vote for the ideas that the Democrats bring up. But we should be united in a common goal, although they are different perspectives. All Members agree they should be able to voice their opinions on behalf of their constituents and the constituents that sent them here to represent them.

We are going to hold the Democrats accountable to their promises, just as the Truth Squad during the 109th Congress came in and brought in the facts. And we are not going to compromise our ideals or principles, but we are going to do everything we can to make America better.

We want open debate on legislation. We want Members to be able to voice their concerns, their opinions, offer amendments in subcommittees, full committee and in consideration of any legislation on the floor. There should be plenty of time to review legislation and every Member should be allowed the opportunity to participate. After all, this is the people's House. It doesn't belong to the Members of Congress; it does belong to the American people. We are here not for a lifetime but temporarily to serve the people who sent us here.

As we are reminded again today, this House has been here for a long time and will be here for a long time to come. We want to make sure that it is strengthened and not weakened in what we do.

I don't believe there was a direct mandate in this last election. Folks lost races and won races for lots of different reasons; but I do believe the American people want change in the way we operate.

As I said the other day in our conference, as I have heard the rhetoric and seen the actions of our Democratic colleagues, the North Carolina State motto just kept going over and over in my head. The North Carolina State motto is ''esse quam videri'' which means: to be rather than to seem.

What we want to make sure is that our Democratic colleagues don't try to pull the wool over the eyes of the American people by seeming rather than being. And what we have seen on the first day is the seeming rather than the being.

So we want to do what I think the American people want us to do, to find

solutions to the problems we face. We don't think that is going to be done behind closed doors and legislation ramrodded through here because of the majority. We don't want Members stripped of the ability to address the House with their ideas, principles and amendments. Those things don't affect us individually as much as they affect our constituents.

So I am going to remind our colleagues over and over and over again of the North Carolina State motto and say to them we hold you to the principles of doing what you said you were going to do and being rather than seeming.

Again, I want to thank my colleague from Georgia for organizing the Truth Squad in the 110th Congress, and I look forward to working with you, although I hope we are not going to have to be here too many nights a week.

Mr. PRICE of Georgia. I thank the gentlewoman from North Carolina and the wonderful words and focus that you bring to the need for civility and appropriateness in terms of word and deed on the floor of the House and in actions throughout our careers as elected officials.

I am so pleased to be joined by another good friend and colleague from Tennessee, Congresswoman MARSHA BLACKBURN, who has participated actively in the Official Truth Squad. I guess I share the gentlewoman from North Carolina's lament in having to be here on the first day because there is some straightening out in terms of bringing truth to the issue that has occurred even on this first day. We welcome you and look forward to your comments as they relate to the issues that have already occurred in this 110th Congress.

Mrs. BLACKBURN. I thank the gentleman from Georgia for his work on this issue and for his work on the Truth Squad.

Today is a historic day, as my colleagues have mentioned. I commend my colleagues from both sides of the aisle on their collegiality and their tone as we have approached this day, and have recognized the historic importance and the significance of the first female taking the position of Speaker of this wonderful body which is the people's House.

You know, as the gentleman was saying, it is so important that we note, we are not here to complain. We are not here to gripe. What we are here to do is to highlight for our constituents some of the content of a rules package that seems to be hastily pulled together that did not go through the committee process, that didn't have hearings, and was brought to the floor for a vote.

I think it is important that our constituents know, because we have a lot of new Members of this body, and those voters that voted in the elections this fall did not go to the ballot box voting to have a government that was going to be carried out in the shadows. They went to the ballot boxes saying we want government that is more accountable. We want government that is more open. We want government that is more responsive to the needs of our constituents. We want government that is going to work more effectively and more efficiently for the American people.

□ 2130

And the very first vote that is taken on the rules package presented in the people's House today is a vote that would eliminate recorded votes in the Rules Committee.

Now, in my great State of Tennessee, we have had this discussion, and in our general assembly in the great State of Tennessee, we have had this debate, and people said over and over again we want those votes recorded. We want sunshine. We want openness. And that is something that needs to be highlighted with our constituents. They need to realize the format that they are wanting to push forward would deny the minority the opportunity to hear, have their amendments heard in the Rules Committee. Dr. GINGREY has highlighted some of the provisions, and he does such a wonderful job with our Rules Committee and the concerns that we have with the format that would go before the Rules Committee that would deny recording some of these votes, which means there is less accountability. So it is our responsibility to come and highlight those things.

You know another thing that the people did not vote for this November was to raise their taxes. They did not go to the poll and vote saying, ''Representatives, we want you to make it easier to raise the taxes on us.'' And one of the things that we find with the PAYGO rules is that it is basically pay as you go on a spending spree. Even the Concord Coalition has estimated that this 100 hours would cost $800 billion over 10 years if everything was funded. That is $80 billion a year for 10 years, $80 billion a year additional, additional, new spending.

Now, I can tell you one thing for certain. I don't know a lot, but one thing I do know is that the people of the Seventh District of Tennessee do not want to be forking over another $80 billion a year.

What they did vote for this November was to see government spending reduced, and that is where they want our emphasis to be. And it is important that we spell this out for our constituents, for the American people, for them to know what is transpiring as we come into the 110th Congress.

Words are important and it is important that we provide the clarification that is there and that is needed. And as I have viewed the package that we have debated some today and will debate tomorrow, I have come to realize that one of the things our colleagues across the aisle, the Democrats, have said is they want to go back to the way things were. I even said maybe Barbara Streisand's ''The Way We Were'' should be their theme song because that is how they want to go back to doing business where it is closed. This is what people voted against with the revolution in 1994. They voted then for more openness.

This past November, people thought they were going to see more action and more openness, and the first votes that are being taken are closing that process and are excluding people, excluding representatives of as many as 140 million Americans from participation in that process.

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I wanted to highlight the new rule for the Rules Committee, which says that votes don't have to be recorded, and I appreciate so much your bringing that up because nobody at home, none of my constituents, believe that any Member of Congress ought to be able to come here and vote and not have their constituents be able to look and see what they have done.

And, in fact, part of this rules package that I think breaks a number of promises that were made by our friends in the majority as they ran up to the election, part of this package says that those votes don't have to be recorded. And I would be happy to yield to you, but for the life of me, I can't think of a reason that one would want to do that.

Mrs. BLACKBURN. If the gentleman would yield and also yield to Dr. GINGREY, who is on the Rules Committee, but having served in a State legislative body, that is one of the things that our constituents who were tuned into watching so closely would say, how in the world can you represent me and then not tell me how you voted and try to keep that a secret? I am having a difficult time finding words to say how egregious that is and how offensive it is to our constituents.

Mr. GINGREY. I thank the gentleman from Georgia for yielding and giving me an opportunity to talk about that a little bit because at the beginning of my remarks, I talked about the powerful Rules Committee. And, Mr. Speaker, it is a powerful Rules Committee in that you decide how long you can talk on an issue. That is, you limit the time of debate. You have the power to make amendments in order to give a Member on either side of the aisle, majority or minority, an opportunity to come and talk about their amendment on the floor. They may get beat 434–1, but they have that opportunity.

As an all powerful member of the Rules Committee, as Representative

PRICE was just saying, all of a sudden, in this rules package, they are saying that one of these all powerful members can make these votes, can set this time of debate, can deny the amendment opportunity for Members on either side of the aisle and then not take a public vote, not take a roll call vote, and not go home and face their constituents, these all powerful members of the Rules Committee, not answer to their constituents for why they denied maybe a Member of their own party a good idea to debate on the House floor, their body.

And I am going to tell you the rhetorical question Dr. PRICE asked, was why would this new majority do this? I can offer a suggestion. They now, of course, have nine members. The four that were in the minority are now the majority including the chairman of the Rules Committee and the vice chairman of the Rules Committee, but they also have an additional five seats, which they are filling with some of their newly elected freshmen Democrats who can go home in these marginal districts, these red Bush districts, if you will, and say that I am an all powerful member of the Rules Committee, re-elect me, but yet not have to answer for these difficult votes that they took probably in opposition to what their constituents would want them to do.

So I thank you for giving me the opportunity to explain the rhetorical question of why they might want to do that.

Mrs. BLACKBURN. And if the gentleman would yield, if my memory is correct, in 1995, when Speaker Gingrich and the House Republicans set the rules, that was at the time that they started recording those votes; is that not correct?

Mr. GINGREY. I think the gentlewoman from Tennessee is absolutely correct on that.

Mrs. BLACKBURN. And before that, the votes were not recorded and it was the process. That is why I say we are returning to the way we were, the way they were. And it is different from the way business was conducted from 1995 until now. And I think that is an important distinction for our constituents who have stopped us on the campaign trail and stopped us as we have prepared to come in and take our solemn oath of office today and have said we want to be certain that this Congress is going to function in an open, accountable manner. We want to know what is happening in the people's House, and it is your charge to keep with us to keep us informed.

Mr. PRICE of Georgia. I thank the gentlewoman and I thank my good friend from Georgia for his answer to my rhetorical question, because the answer was the only thing that can be possible as a reason to do it is politics. That is it. That is the only thing that can be possible. There can be no good reason, from a process standpoint, for this House of Representatives not to record those votes. So I appreciate so much your enlightening me and helping me understand why that would have been done.

I do know that constituents at home are tired, are tired of decisions that are made up here in Washington based solely on politics. And, in fact, I would suggest to my friends on the other side of the aisle who now find themselves in the majority that decisions like that and being held accountable for those decisions make it so that lives in majorities can sometimes be very, very short.

So I appreciate your comments and appreciate your input and would be happy to yield if either of you had anything else to comment regarding the rules.

If not, I do want to comment a little bit about the process and about why discussion of the process is important. My good friends know and most Americans know we live in the longest surviving democracy ever in the history of man, ever in the history of man. And there is a reason for that. I think people can conjecture about why that is the case, but I think one of the reasons for that is that we as a Nation have respected the process by which we develop policy. And the reason it is important is because everybody that is an elected official, is a representative of the people, has an opportunity to have input into the process, and that process itself not only produces the best product because as you have more people involved who represent more diverse areas, I think you get a better product, but what it does do is it ensures that people trust the outcome.

They trust the outcome of not just elections, but they trust the outcome of the process of legislation. And when that process gets truncated or gets cut down or is closed, we use that term ''closed rule'' here, when the American people hear about a closed rule, what that means is that it does not allow your representative at home to be able to offer amendments, be able to have input into what the ultimate work product is, what the ultimate bill, what the ultimate law is.

So, Mr. Speaker, many individuals across this Nation who went to the polls and voted in November have elected people who because of changes in these rules today will not be able to have input into very, very important issues like 9/11 Commission recommendations and whether or not they are adopted; like stem cell research and whether that goes forward paid for with Federal taxpayer money; minimum wage, an important issue, but it ought to be debated, ought to have opportunity for amendment; and then something that is near and dear to my heart as a physician in my former life along with Dr. GINGREY and my other colleagues is the issue of prescription drugs and the Medicare part D prescription drug program. An extremely complex issue. Extremely complex issue.

And today, what the majority party did was say that we will bring within the next week to the floor of this House a bill that has never been discussed in committee. It has never had a hearing. It has never had anybody in this body be able to offer an amendment officially and have folks vote on it and say ''yes'' or ''no,'' they believe that that is the case, that has never been through that process that results in the best work product that is available for a bill and for ultimately a law. And from the rumors that we hear, and we only hear rumors because we don't have the legislative language, because we do not know what is going to be in that bill, but from the rumors that we hear, the result of that bill will be a decrease in the kinds of medications that are available to the American people.

That may go into effect, Mr. Speaker, if the majority party goes forward with the rule that they adopted today. That may go into effect without anybody in this House of Representatives ever having an opportunity to affect that outcome.

□ 2145

Some on the majority side would say, well, it has been talked about for a long time. It was voted on, the Medicare prescription drug program was voted on in 2003, got a lot of hearings then. There were a lot of people that talked about it and voiced their opinion on it at that time.

That is true, Mr. Speaker, but what hasn't happened is that every single freshman Member of this House was duly elected in their districts and has a right, a right, under our system of government to have input into a bill that comes out of the House of Representatives. Every single freshman will have no input into that bill or into the bill as it relates to minimum wage, as it relates to stem cell research or anything else that was included in the rules package today. Never.

That has never been done, as my colleagues said before, never been done in the history, in the history of this Nation, to have that kind of substantive legislation dealt with in a way that does not allow that kind of input.

Mr. Speaker, that kind of rule, that kind of process, which is difficult to get your arms around, but that kind of process, I would suggest to you, is an abuse of majority power. Our job, on the minority side, is to hold people accountable for their actions and for their decisions.

It is important that the American people understand and appreciate that these decisions that were made on the very first day, which, by and large, are

procedural issues, that are difficult to get folks interested in, but they not only set the tone for this Congress, but they set the rules under which we make major decisions that will affect the American people as it relates to their income, as it relates to their security, and as it relates to their health. Nothing, nothing could be more important.

Mr. Speaker, this is indeed a historic day. But it is also a day of concern. It is a day of concern, because what goes on here is extremely important. Within these walls we can effect change that will benefit citizens all across our Nation. We can also effect change that will harm citizens all across our Nation. If we work together, we will do much more of the former and very little of the latter.

Let me close by just saying, Mr. Speaker, as I have said before, the challenges that we face in this Nation are huge. They are immense. But they are not Republican challenges, and they are not Democrat challenges. They are American challenges.

If we work together as a body of elected representatives from all across this wonderful and glorious Nation, we will come up with the best product, the best legislation, the best laws that will result in the most amount of benefit to our citizens all across this Nation. So I challenge, I challenge my Democrat colleagues to fulfill the promises that they made on the election, during the election campaign, to fulfill the promises that they made, to fulfill the promises that they made when they talked to citizens in their districts all across this Nation about openness and about civility and about fiscal responsibility. That challenge, that challenge making certain that you fulfill those promises is what will ring true to the American people.

I appreciate once again, Mr. Speaker, the opportunity to come to the floor tonight.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and January 5.

Mr. DENT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, January 9, 10, and 11.

Mr. PAUL, for 5 minutes, January 5.

SENATE BILL REFERRED

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

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the ''Robert T. Stafford White Rocks National Recreation Area''; To the Committee on Natural Resources.

ADJOURNMENT

Mr. PRICE of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 5, 2007, at 9:30 a.m. as a further mark of respect to the memory of the late Honorable Gerald R. Ford, 38th President of the United States.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2. A letter from the Director, Office of Standards, Regulations and Variances, Department of Labor, transmitting the Department's final rule — Emergency Mine Evacuation (RIN: 1219-AB46) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

4. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003, and August 6, 2004 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the status of consular training with respect to travel or identity documents, pursuant to Section 7201(d) of the Intelligence Reform and Terrorism Prevention Act of 2004, pursuant to 42 U.S.C. 2155(b)(2); to the Committee on Foreign Affairs.

6. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment in the Government of the United Kingdom (Transmittal No. DDTC 063-06); to the Committee on Foreign Affairs.

7. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the October 12, 2006 — December 20, 2006 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

8. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620(q) of the Foreign Assistance Act of 1961, as amended, waiving restrictions on assistance to the Democratic Republic of Congo resulting from the country's default on certain U.S. loans; to the Committee on Foreign Affairs.

9. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

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

11. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

12. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

13. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

14. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

15. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

16. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

17. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

18. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the

activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

19. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

20. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 110-4); to the Committee on House Administration and ordered to be printed.

21. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 2005 Annual Report of the National Institute of Justice (NIJ), pursuant to 42 U.S.C. 3766(c) and 3789e; to the Committee on the Judiciary.

22. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Final Rules for Nondiscrimination and Wellness Programs in Health Coverage in the Group Market (RIN: 0938-AI08) received December 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

23. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-5, pursuant to Section 574(d) of the Foreign Operations, Export Financing and Related Program Apporpriations Act of 2006, Pub. L. 109-102; jointly to the Committees on Foreign Affairs and Appropriations.

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 109TH CONGRESS 2D SESSION AND FOLLOWING PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 109TH CONGRESS 2D SESSION

COMMUNICATION FROM THE HON. CURT WELDON, MEMBER OF CONGRESS, AFTER SINE DIE ADJOURNMENT

DECEMBER 14, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that a grand jury subpoena for documents, issued by the U.S. District Court for the District of Columbia and addressed to ''Custodian of Records, Office of Congressman Wayne Curtis Weldon,'' has been delivered to my congressional office. Because the ''Office of Congressman Wayne Curtis Weldon'' is not a legal entity, I have treated the subpoena as directed to me and have designated a member of my staff as my Custodian of Records for purposes of gathering documents that are potentially responsive to the subpoena.

After I consult with counsel, I will make the determinations required by Rule VIII of the Rules of the House.

Respectfully,

CURT WELDON.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS AFTER SINE DIE ADJOURNMENT

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 2, 2007.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 11142(c)(1)(B) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59), I appoint the following people to serve on the National Surface Transportation Infrastructure Financing Commission:

1. Zack Scrivner, Councilman, City of Bakersfield, Contact information: 1501 Truxtun Avenue, Bakersfield, CA 93301, (661) 304–4065.

2. Dr. Adrian Moore, Vice President of Research, Reason Foundation, Contact information: 3415 S. Sepulveda Blvd., Suite 400, Los Angeles, CA 90034 (310) 391–2245.

Best regards,

BILL THOMAS,
Chairman.

COMMUNICATION FROM STAFF MEMBER OF THE HON. CHRIS CHOCOLA, MEMBER OF CONGRESS, AFTER SINE DIE ADJOURNMENT

DECEMBER 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Southern District of California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

REBECCA KUHN.

BILLS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Karen L. Haas, Clerk of the House reports that on January 3, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 482. To provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

H.R. 486. To provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

H.R. 1245. To provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

H.R. 4588. To reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4709. To amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.R. 4997. To extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.

H.R. 5483. To increase the disability earning limitation under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act.

H.R. 5946. To amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

H.R. 5948. To reauthorize the Belarus Democracy Act of 2004.

H.R. 6060. To authorize certain activities by the Department of State, and for other purposes.

H.R. 6164. To amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

H.R. 6338. To amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

H.R. 6345. To make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, after sine die adjournment of the second session, 109th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the following titles:

December 21, 2006:

H.R. 1492. An act to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

H.R. 3248. An act to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

H.R 5076. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 6342. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependants' Educational Assistance program, and for other purposes.

H.R 6429. An act to treat payments by charitable organizations with respect to certain firefighters as exempt payments.

December 22, 2006:

H.J. Res. 101. Joint Resolution appointing the day for the convening of the first session of the One Hundred Tenth Congress.

December 29, 2006:

H.R. 5782. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 6344. An act to reauthorize the Office of National Drug Control Policy Act.

SENATE BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, after sine die adjournment of the second session, 109th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills of the following titles:

December 21, 2006:

S. 2370. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

December 22, 2006:

S. 214. An act to authorize the Secretary of the Interior to cooperate with the States on the order with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 362. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 707. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 895. An act to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1378. An act to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

S. 1529. An act to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

S. 1608. An act to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

S. 2125. An act to promote relief, security, and democracy in the Democratic Republic of the Congo.

S. 2150. An act to direct the Secretary of the Interior to convey certain Bureau of Land Management Land to the city of Eugene, Oregon.

S. 2205. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission on Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S 2653. An act to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2735. An act to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 3421. An act to amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependants' Educational Assistance Program, to otherwise improve veterans' benefits, memorial affairs, and health-care programs, to enhance information security programs of the Department of Veterans Affairs, and for other purposes.

S. 3546. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

S. 3821. An act to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

S. 4042. An act to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Air Force.

S. 4091. An act to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

S. 4092. An act to clarify certain land use in Jefferson County, Colorado.

S. 4093. An Act to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

SENATE—*Thursday, January 4, 2007*

The fourth day of January being the day prescribed by House Joint Resolution 101 for the meeting of the 1st Session of the 110th Congress, the Senate assembled in its Chamber at the Capitol and at 12 noon was called to order by the Vice President [Mr. CHENEY].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, whom to find is life and whom to miss is death, from age to age you provide hope to those who trust you. In a changing world, you are changeless. Lord, you have given us the gift of a new year, with all of its possibilities and promises.

Empower the Members of this new 110th Congress to use this season of opportunity for Your glory. As they labor with You, help them to place our country's needs ahead of perceived political advantages. Lead them from mistrust to trust. Use them to help bring peace to our world. Show them the priorities that best honor You and inspire them to act promptly. May they strive to achieve and maintain ethical and moral fitness. When they feel discouragement, remind them that You are working for the good of those who love You. As a challenging and promising future beckons, guide their steps and supply their needs. Lead the new leaders of our legislative branch with Your sure hand. May they follow You without hesitation.

We pray in Your Sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The VICE PRESIDENT 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.

CERTIFICATES OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the certificates of election of 33 Senators elected for 6-year terms beginning January 3, 2007. All certificates, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate. If there be no objection, the reading of the above-mentioned letters and certificates will be waived, and they will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF HAWAII

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Daniel K. Akaka, was duly chosen by the qualified electors of the State of Hawaii a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: Her excellency our Governor Linda Lingle, and our seal hereto affixed at Honolulu, Hawaii this 27th day of November, in the year of our Lord, 2006.

By the Governor:

LINDA LINGLE,
Governor.

STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Jeff Bingaman, was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our Governor Bill Richardson, and our seal hereto affixed at Santa Fe this 30th day of November, in the year of our Lord, 2006.

By the Governor:

BILL RICHARDSON,
Governor.

STATE OF OHIO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Sherrod Brown was duly chosen by the qualified electors of the State of Ohio a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

In Witness Whereof, I have hereto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 8th day of December, in the year Two Thousand and Six.

BOB TAFT,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 2006, Robert C. Byrd was duly chosen by the qualified electors of the State of West Virginia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2007.

Witness: His excellency our governor Joe Manchin III, and our seal hereto affixed at Charleston this 22nd day of November, in the year of our Lord 2006.

By the Governor:

JOE MANCHIN, III,
Governor.

STATE OF WASHINGTON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify, that at the General Election held in the State of Washington on the 7th day of November, 2006, Maria Cantwell was duly chosen by the qualified electors of the State of Washington as Senator from said State of Washington to represent said State of Washington in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: Her excellency our Governor Christine Gregoire, and our seal hereto affixed at Olympia, Washington this 21st day of December, 2006.

By the Governor:

CHRISTINE GREGOIRE,
Governor.

STATE OF MARYLAND

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Benjamin L. Cardin was duly chosen by the qualified voters of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His Excellency our Governor Robert L. Ehrlich, Jr., and our seal hereto affixed at the City of Annapolis, this 8th day of December, in the Year of Our Lord Two Thousand and Six.

ROBERT L. EHRLICH, Jr.
Governor.

STATE OF DELAWARE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Thomas R. Carper was duly chosen at an election, in due manner held according to the form of the Act of the General Assembly of the State of Delaware and of the Act of Congress, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning noon on the 3rd day of January 2007.

Given under my hand and the Great Seal of the said State, at Dover, this 27th day of November in the year of our Lord Two Thousand Six, and of the Independence of the United States of America Two Hundred Thirty.

By the Governor:

RUTH ANN MINNER,
Governor.

STATE OF PENNSYLVANIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 2006, Bob Casey, Jr. was duly chosen by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator to represent Pennsylvania in the Senate of the United States for a term of six years, beginning on the third day of January, 2007.

Witness: His excellency our Governor, Edward G. Rendell, and our seal hereto affixed at Harrisburg this fifteenth day of December, in the year of our Lord, 2006.

By the Governor:

EDWARD G. RENDELL,
Governor.

STATE OF NEW YORK

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, two thousand six, Hillary Rodham Clinton was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the third day of January two thousand seven.

Witness: His excellency our Governor George E. Pataki, and our seal hereto affixed at Albany, New York, this twenty-sixth day of December in the year two thousand six.

By the Governor:

GEORGE E. PATAKI,
Governor.

STATE OF NORTH DAKOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November 2006, Kent Conrad was duly chosen by the qualified electors of the State of North Dakota to represent North Dakota in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2007.

In witness whereof, we have set our hands at the Capitol City of Bismarck this 21st day of November 2006, and affixed the Great Seal of the State of North Dakota.

JOHN HOEVEN,
Governor.

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November 2006, Bob Corker was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2007.

Witness: His excellency our governor Phil Bredesen, and our seal hereto affixed at Nashville this 7th day of December in the year of our Lord 2006.

By the governor:

PHIL BREDESEN,
Governor.

STATE OF NEVADA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that at a general election held in the State of Nevada on Tuesday, the seventh day of November, two thousand six John E. Ensign was duly elected a Member of the United States Senate, in and for the State of Nevada, for the term of six years from and after the third day of January, two thousand seven: Now, therefore, I Kenny C. Guinn, Governor of the State of Nevada, by the authority in me vested in the Constitution and laws thereof, do hereby commission him, the said John E. Ensign as a Member of the United States Senate for the State of Nevada, and authorize him to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.

In Testimony Thereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada this twenty sixth day of December, two thousand six.

KENNY C. GUINN,
Governor.

STATE OF CALIFORNIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Dianne Feinstein was duly chosen by the qualified electors of the State of California as a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

In Witness Whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 6th day of December, 2006.

ARNOLD SCHWARZENEGGER,
Governor.

STATE OF UTAH

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, 2006, Orrin G. Hatch was duly chosen by the qualified electors of the State of Utah a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning at noon on the third day of January, 2007.

In Witness Whereof, I have hereunto set my hand at Salt Lake City, this 27th day of November, 2006.

JON M. HUNTSMAN, JR.,
Governor.

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Kay Bailey Hutchison was duly chosen by the qualified electors of the State of Texas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 6th day of December, in the year of our Lord 2006.

By the Governor:

RICK PERRY,
Governor.

STATE OF MASSACHUSETTS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November, two thousand and six, Edward M. Kennedy was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and seven.

Witness: Her Honor, the Lieutenant Governor, Acting Governor, Kerry Healey, and our seal hereto affixed at Boston, this sixth day of December in the year of our Lord two thousand and six.

By Her Honor, the Lieutenant Governor, Acting Governor

KERRY HEALEY,
Lieutenant Governor,
Acting Governor.

STATE OF MINNESOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the Seventh day of November 2006, Amy Klobuchar was duly chosen by the qualified electors of the State of Minnesota, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our Governor Tim Pawlenty, and our seal hereto affixed at St. Paul, Minnesota this 11th day of December, in the year of our Lord 2006.

By the Governor:

TIM PAWLENTY,
Governor.

STATE OF WISCONSIN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th of November, 2006, Herb Kohl was duly chosen by the qualified electors of the State of Wisconsin a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our governor Jim Doyle, and our seal hereto affixed at Madison this 12th day of December 2006.

By the Governor:

JIM DOYLE,
Governor.

STATE OF CONNECTICUT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to Certify that on the seventh day of November, two thousand and six, Joe Lieberman was duly chosen by the qualified electors of the State of Connecticut Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January two thousand and seven.

Witness: Her Excellency our Governor; M. Jodi Rell and our seal hereto affixed at Hartford, this twenty-ninth day of November, in the year of our Lord two thousand six.

M. JODI RELL,
Governor.

STATE OF ARIZONA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November 2006, Jon Kyl was duly chosen by the qualified electors of the State of Arizona a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2007.

Witness: Her excellency the Governor of Arizona, and the Great Seal of the State of Arizona hereto affixed at the Capitol in Phoenix this 4th day of December 2006.

JANET NAPOLITANO,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to Certify that on the 7th day of November, 2006, the Honorable Trent Lott was duly chosen by the qualified electors of the State of Mississippi, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His Excellency our Governor Haley Barbour, and the Great Seal of the State of Mississippi hereto affixed at Jackson, Hinds County, Mississippi this 19th day of December, in the year of our Lord 2006.

HALEY BARBOUR,
Governor.

STATE OF INDIANA

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the seventh day of November 2006, Richard G. Lugar was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our Governor Mitchell E. Daniels, Jr., and our seal hereto affixed at Indianapolis, this the thirteenth day of December, in the year, 2006.

By the Governor:

M. E. DANIELS, Jr.,
Governor.

STATE OF MISSOURI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Claire McCaskill was duly chosen by the qualified electors of the State of Missouri, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His Excellency our Governor Matt Blunt, and our seal hereto affixed at the City of Jefferson this 30th day of November, in the year of our Lord 2006.

By the Governor:

MATT BLUNT,
Governor.

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Robert Menendez, was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2007.

By the Governor:

Given, under my hand and the Great Seal of the State of New Jersey, this 11th day of December, two thousand and six.

JON CORZINE,
Governor.

STATE OF FLORIDA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Bill Nelson, was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our Governor, Jeb Bush, and our seal hereto affixed at Tallahassee, the Capitol, this 22st day of November, in the year of our Lord 2006.

By the Governor:

JEB BUSH,
Governor.

STATE OF NEBRASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, E. Benjamin Nelson was duly chosen by the qualified electors of the State of Nebraska from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Witness: His excellency our governor Dave Heineman, and our seal hereto affixed at Lincoln, Nebraska this 11th day of December, in the year of our Lord 2006.

By the Governor:

DAVE HEINEMAN,
Governor.

STATE OF VERMONT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Bernard Sanders was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six year, beginning on the 3rd day of January, 2007.

Witness: His Excellency our Governor James H. Douglas, and our seal hereto affixed at Montpelier this 16th day of November, in the year of our Lord 2006.

By the Governor:

JAMES H. DOUGLAS,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Debbie Stabenow was duly chosen by the qualified electors of the State of Michigan a Senator from the State of Michigan to represent the State of Michigan in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

Given under my hand and the Great Seal of the State of Michigan this 27th day of November, in the year of our Lord, two thousand and six.

By the Governor:

JENNIFER M. GRANHOLM,
Governor.

STATE OF MAINE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the Seventh day of November, in the year Two Thousand and Six, Olympia J. Snowe was duly chosen by the qualified electors of the State of Maine a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, in the year Two Thousand and Seven.

Witness: His excellency our Governor, John E. Baldacci, and our seal hereto affixed at Augusta, Maine this twenty-seventh day of November, in the year of our Lord Two Thousand and Six.

By the Governor:

JOHN E. BALDACCI,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

I, Brad Johnson, Secretary of State of the State of Montana, do hereby certify that Jon Tester was duly chosen on November 7th, 2006, by the qualified electors of the State of Montana as a United States Senator from said State to represent said State in the United States Senate. The six year term commences on January 3rd, 2007.

Witness: His excellency our Governor, Brian Schweitzer, and the official seal hereunto affixed at the City of Helena, the Capital, this 27th day of November, in the year of our Lord 2006.

By the Governor:

BRIAN SCHWEITZER,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November 2006, Craig Thomas was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2007.

Witness: His excellency our Governor, Dave Freudenthal, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 15th day of November, in the year of our Lord 2006.

DAVE FREUDENTHAL,
Governor.

STATE OF VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, an election was held in the Commonwealth of Virginia and James H. ''Jim'' Webb, Jr., was duly chosen by the qualified electors of the Commonwealth of Virginia as a Senator to represent the Commonwealth of Virginia in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2007.

In Testimony Whereof our Governor has hereunto signed his name and affixed the Lesser Seal of the Commonwealth at Richmond, this 8th day of December, 2006, and in the two hundred thirty-first year of the Commonwealth.

By the Governor:

TIMOTHY M. KAINE,
Governor.

STATE OF RHODE ISLAND

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 2006, Sheldon Whitehouse duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations,

Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning at noon on the 3rd day of January, 2007.

Witness: His Excellency our Governor Donald L. Carcieri and our seal affixed on this 8th day of December, in the year of our Lord 2006.

DONALD L. CARCIERI,
Governor.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. AKAKA, Mr. BINGAMAN, Mr. BROWN, and Mr. BYRD.

These Senators, escorted by Mr. REID, Mr. DOMENICI, former Senator Glenn, and Mr. ROCKEFELLER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, and Mr. CASEY.

These Senators, escorted by Mrs. MURRAY, Mr. SARBANES, Mr. BIDEN, and Mr. SPECTER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mrs. CLINTON, Mr. CONRAD, Mr. CORKER, and Mr. ENSIGN.

These Senators, escorted by Mr. SCHUMER, Mr. DORGAN, Mr. Frist, and Mr. REID, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mrs. FEINSTEIN, Mr. HATCH, Mrs. HUTCHISON, and Mr. KENNEDY.

These Senators, escorted by Mrs. BOXER, Mr. BENNETT, Mr. CORNYN, and Mr. KERRY, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the next group of Senators.

The legislative clerk called the names of Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, and Mr. LIEBERMAN.

These Senators, escorted by Mr. COLEMAN, Mr. Dayton, Mr. FEINGOLD, Mr. MCCAIN, and Mr. DODD, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. LOTT, Mr. LUGAR, Mrs. MCCASKILL, and Mr. MENENDEZ.

These Senators, escorted by Mr. COCHRAN, Mr. BAYH, Mr. BOND, Mrs. Carnahan, and Mr. LAUTENBERG, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. SANDERS, and Ms. SNOWE.

These Senators, escorted by Mr. MARTINEZ, Mr. BYRD, Mr. HAGEL, Mr. LEAHY, and Ms. COLLINS, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Ms. STABENOW, Mr. TESTER, Mr. THOMAS, and Mr. WEBB.

These Senators, escorted by Mr. LEVIN, Mr. BAUCUS, Mr. Melcher, Mr. ENZI, Mr. Robb, and Mr. WARNER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the last group of Senators.

The legislative clerk called the name of Mr. WHITEHOUSE.

This Senator, escorted by Mr. REED, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

RECOGNITION OF THE MAJORITY LEADER

The VICE PRESIDENT. The majority leader is recognized.

CALL OF THE ROLL

Mr. REID. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

[Quorum No. 1 Leg.]

PRESENT—89

Akaka	Dodd	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson, Florida
Biden	Feingold	Nelson, Nebraska
Bingaman	Feinstein	Obama
Bond	Grassley	Pryor
Boxer	Hagel	Reed
Brown	Harkin	Reid
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Isakson	Schumer
Cardin	Kennedy	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Clinton	Kyl	Stevens
Coburn	Landrieu	Sununu
Cochran	Lautenberg	Tester
Coleman	Leahy	Thomas
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCain	

ABSENT—11

Brownback	Inouye	Sessions
Dole	Johnson	Smith
Graham	Murkowski	Wyden
Gregg	Roberts	

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATES

ALASKA

Ted Stevens and Lisa Murkowski

ALABAMA
Richard C. Shelby and Jeff Sessions
ARIZONA
John McCain and Jon Kyl
ARKANSAS
Blanche L. Lincoln and Mark L. Pryor
CALIFORNIA
Dianne Feinstein and Barbara Boxer
COLORADO
Wayne Allard and Ken Salazar
CONNECTICUT
Christopher J. Dodd and Joseph I. Lieberman
DELAWARE
Joseph R. Biden, Jr., and Thomas R. Carper
FLORIDA
Bill Nelson and Mel Martinez
GEORGIA
Saxby Chambliss and Johnny Isakson
HAWAII
Daniel K. Inouye and Daniel K. Akaka
IDAHO
Larry E. Craig and Mike Crapo
ILLINOIS
Richard Durbin and Barack Obama
INDIANA
Richard G. Lugar and Evan Bayh
IOWA
Chuck Grassley and Tom Harkin
KANSAS
Sam Brownback and Pat Roberts
KENTUCKY
Mitch McConnell and Jim Bunning
LOUISIANA
Mary L. Landrieu and David Vitter
MAINE
Olympia J. Snowe and Susan M. Collins
MARYLAND
Barbara A. Mikulski and Benjamin L. Cardin
MASSACHUSETTS
Edward M. Kennedy and John F. Kerry
MICHIGAN
Carl Levin and Debbie Stabenow
MINNESOTA
Norm Coleman and Amy Klobuchar
MISSISSIPPI
Thad Cochran and Trent Lott
MISSOURI
Christopher S. Bond and Claire McCaskill
MONTANA
Max Baucus and Jon Tester
NEBRASKA
Chuck Hagel and Benjamin E. Nelson
NEVADA
Harry Reid and John Ensign
NEW HAMPSHIRE
Judd Gregg and John E. Sununu
NEW JERSEY
Frank R. Lautenberg and Robert Menendez
NEW MEXICO
Pete V. Domenici and Jeff Bingaman
NEW YORK
Charles E. Schumer and Hillary Rodham Clinton
NORTH CAROLINA
Elizabeth H. Dole and Richard Burr
NORTH DAKOTA
Kent Conrad and Byron Dorgan
OHIO
George Voinovich and Sherrod Brown
OKLAHOMA
James M. Inhofe and Tom Coburn
OREGON
Ron Wyden and Gordon H. Smith
PENNSYLVANIA
Arlen Specter and Robert P. Casey, Jr.
RHODE ISLAND
Jack Reed and Sheldon Whitehouse
SOUTH CAROLINA
Lindsey Graham and Jim DeMint
SOUTH DAKOTA
Tim Johnson and John Thune
TENNESSEE
Lamar Alexander and Bob Corker
TEXAS
Kay Bailey Hutchison and John Cornyn
UTAH
Orrin G. Hatch and Robert F. Bennett
VERMONT
Patrick J. Leahy and Bernard Sanders
VIRGINIA
John Warner and Jim Webb
WASHINGTON
Patty Murray and Maria Cantwell
WEST VIRGINIA
Robert C. Byrd and John D. Rockefeller IV
WISCONSIN
Herb Kohl and Russell D. Feingold
WYOMING
Craig Thomas and Michael B. Enzi

The VICE PRESIDENT. The majority leader is recognized.

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID. Mr. President, I send a resolution to the desk and ask for its consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 1) was agreed to, as follows:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. REID. I move to reconsider the vote by which the resolution was adopted.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. Pursuant to S. Res. 1, the Chair appoints the Senator from Nevada, Mr. REID, and the Senator from Kentucky, Mr. MCCONNELL, as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The majority leader is recognized.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 2) was agreed to, as follows:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTION OF THE HONORABLE ROBERT C. BYRD AS PRESIDENT PRO TEMPORE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) to elect ROBERT C. BYRD, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 3) was agreed to, as follows:

S. RES. 3

Resolved, That ROBERT C. BYRD, a Senator from the State of West Virginia, be, and he is hereby, elected President of the Senate pro tempore.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. Senator BYRD will be escorted to the desk.

Senator ROBERT C. BYRD, escorted by Mr. REID, Mr. MCCONNELL, and Mr.

ROCKEFELLER, respectively, advanced to the desk of the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4) notifying the President of the United States of the election of a President pro tempore.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 4) was agreed to, as follows:

S. RES. 4

Resolved, That the President of the United States be notified of the election of the Honorable ROBERT C. BYRD as President of the Senate pro tempore.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE U.S. SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 5) notifying the House of Representatives of the election of a President pro tempore.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 5) was agreed to, as follows:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of the Honorable ROBERT C. BYRD as President of the Senate pro tempore.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPRESSING THE THANKS OF THE SENATE TO SENATOR TED STEVENS AND DESIGNATION AS PRESIDENT PRO TEMPORE EMERITUS

Mr. MCCONNELL. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 6) expressing the thanks of the Senate to the Honorable TED STEVENS for his service as President pro tempore of the United States Senate and to designate Senator STEVENS as President pro tempore emeritus of the United States Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 6) was agreed to, as follows:

S. RES. 6

Resolved, That the United States Senate expresses its deepest gratitude to Senator TED STEVENS for his dedication and commitment during his service to the Senate as the President Pro Tempore.

Further, as a token of appreciation of the Senate for his long and faithful service, Senator TED STEVENS is hereby designated President Pro Tempore Emeritus of the United States Senate.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIXING THE HOUR OF THE DAILY MEETING OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 7) fixing the hour of the daily meeting of the Senate.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 7) was agreed to, as follows:

S. RES. 7

Resolved, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING NANCY ERICKSON AS THE SECRETARY OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 8) electing Nancy Erickson as Secretary of the Senate.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 8) was agreed to, as follows:

S. RES. 8

Resolved, That Nancy Erickson of South Dakota be, and she is hereby, elected Secretary of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Nancy Erickson, escorted by Mr. REID and Mr. MCCONNELL, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to her by the Vice President, and she subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 9) notifying the President of the United States of the election of the Secretary of the Senate.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 9) was agreed to, as follows:

S. RES. 9

Resolved, That the President of the United States be notified of the election of the Honorable Nancy Erickson as Secretary of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 10) notifying the House of Representatives of the election of a Secretary of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 10) was agreed to, as follows:

S. RES. 10

Resolved, That the House of Representatives be notified of the election of the Honorable Nancy Erickson as Secretary of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING TERRANCE W. GAINER AS SERGEANT AT ARMS AND DOORKEEPER

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 11) electing Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 11) was agreed to, as follows:

S. RES. 11

Resolved, That Terrance W. Gainer of Illinois be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 12) notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 12) was agreed to, as follows:

S. RES. 12

Resolved, That the President of the United States be notified of the election of the Honorable Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 13) notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 13) was agreed to, as follows:

S. RES. 13

Resolved, That the House of Representatives be notified of the election of the Honorable Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING MARTIN P. PAONE AS SECRETARY FOR THE MAJORITY

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 14) electing Martin P. Paone of Virginia as Secretary for the Majority of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 14) was agreed to, as follows:

S. RES. 14

Resolvled, That Martin P. Paone of Virginia be, and he is hereby, elected Secretary for the Majority of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING DAVID J. SCHIAPPA AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. MCCONNELL. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 15) electing David J. Schiappa of Maryland as Secretary for the Minority of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 15) was agreed to, as follows:

S. RES. 15

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Minority of the Senate.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 95–521, appoints Morgan J. Frankel, of the District of Columbia, as Senate legal counsel, for a term of service to expire at the end of the 111th Congress.

Mr. REID. Mr. President, has the Chair appointed Mr. Frankel?

The PRESIDING OFFICER. Yes, the Chair has appointed Mr. Frankel.

MAKING EFFECTIVE THE APPOINTMENT OF SENATE LEGAL COUNSEL

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 16) to make effective appointment of the Senate Legal Counsel.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 16) was agreed to, as follows:

S. RES. 16

Resolved, That the appointment of Morgan J. Frankel to be Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2007, and the term of service of the appointee shall expire at the end of the One Hundred Eleventh Congress.

Mr. REID. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT

Mr. PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 95–521, appoints Patricia Mack Bryan, of Virginia, as Deputy Senate Legal Counsel for a term of service to expire at the end of the 111th Congress.

MAKING EFFECTIVE THE APPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. MCCONNELL. Mr. President, I send a resolution to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 17) to make effective appointment of the Deputy Senate Legal Counsel.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 17) was agreed to, as follows:

S. RES. 17

Resolved, That the appointment of Patricia Mack Bryan, of Virginia, to be Deputy Senate Legal Counsel made by the President pro

tempore this day is effective as of January 3, 2007, and the term of service of the appointee shall expire at the end of the One Hundred Eleventh Congress.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I send to the desk en bloc 12 unanimous consent requests. I ask unanimous consent that the requests be considered en bloc, that the requests be agreed to en bloc, and that they appear separately in the RECORD.

Before the Chair rules, I wish to point out that these requests are routine and are done at the beginning of every new Congress. They entail issues such as authority for the Ethics Committee to meet, authorizing the Secretary to receive reports at the desk, establishing leader time each day and floor privileges for House parliamentarians.

The PRESIDING OFFICER. Without objection, it is so ordered.

The requests read as follows:

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the 110th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the journal.

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 110th Congress.

Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 110th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 110th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolution, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, Senators be allowed to leave at the desk with the journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

Mr. President, I ask unanimous consent that for the duration of the 110th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period set aside to conduct morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. And that Senators be permitted to speak for whatever time they wish—that is, at least Senator REID and Senator MCCONNELL—and thereafter the speeches be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW CONGRESS

Mr. REID. Mr. President, I appreciate everyone's courtesy. This is the first experience of mine to go through these procedures. It wasn't as smooth as clockwork, but with staff help it was smooth enough. So I very much appreciate everyone's cooperation as we look forward to this new Congress.

The future lies with those wise political leaders who realize that the great public is interested more in Government than in politics.

Franklin Roosevelt, 1940.

I have chosen this line to open this new session of the Senate because the wisdom it imparts is as relevant today as it was 67 years ago.

The future lies with those wise political leaders who realize that the great public is interested more in Government than in politics.

The American people are expecting positive results from this 110th Congress, not more partisan rancor. We stand today at the cusp of a new Congress, ready to write a new chapter in our country's great future. It is a time of hope and promise for our Nation. The elections are over, and the next Senate campaigns have yet to begin.

Today we are not candidates; we are U.S. Senators. We 100 are from different States, we 100 represent different people, we 100 represent different political parties, but we share the same mission: keeping our country safe and providing a Government that allows people to enjoy the fruits and prosperity and, of course, our economic freedom.

Last November, the voters sent us a message. They sent this message to Democrats and they sent this message to Republicans: The voters are upset with Congress and the partisan gridlock. The voters want a Government that focuses on their needs. The voters want change. Together, Democrats and Republicans must deliver that change.

No longer can we waste time here in the Capitol while families in America struggle to get ahead. No longer can we here in the Capitol afford to pass the problems of today to Congresses of tomorrow. Those problems, for example, are from keeping families safe to raising the minimum wage to instituting new ethical reforms. We can and we must get to work.

As the new Congress begins, the challenges facing America are complex. They range from a contracted war in Iraq to a health care crisis right here at home, from a middle class that is squeezed to an energy policy that is warming our globe, from a higher education system that has exploded in costs to jobs where benefits have all but disappeared. We Senators can make a difference in each of these areas if we remember we are here to fight for our country, not with each other.

The majority, my party, holds a very slim margin—51 to 49. Some may look at this as a composition for gridlock, a recipe for gridlock, but I see this as a unique opportunity. I guarantee everyone in this Chamber that the American people are hoping it is a unique opportunity—an opportunity for Democrats, an opportunity for Republicans—to debate our differences and seek common ground. We must turn the page on partisanship and usher in a new era of bipartisan progress. How can we achieve progress? By doing things differently than they have been done in recent years.

One, we must—I repeat again and again—work together.

Second, we are going to have to work here in Washington, in the Senate, longer hours. Factory workers, shopkeepers in America's malls, schoolteachers, police officers, miners, welders, and business men and women work at least 5 days a week. Shouldn't we here in Washington, where we do our business, in this laboratory we call the Senate, do the same?

Three, we will achieve progress by working on an agenda that reflects not the needs of Democrats, not the needs of Republicans, but the needs of the people of this great country.

Today Democrats may be in charge of the Senate and the House of Representatives, but we in the Senate are committed to bipartisanship. We found that a one-party town simply doesn't work. We know from experience that majorities come and they go. Majorities are very fragile, and majorities must work with minorities to make that lasting change.

In this body, the U.S. Senate, nothing can be accomplished unless we reach across the aisle—not one way but both ways. It is because when our Founding Fathers created the Senate 219 years ago, they carved out a special place for the minority. See, the Framers of this Constitution knew that majorities can always take care of themselves. Majorities didn't need help as defined in the Constitution. But this Constitution takes care of minorities because they can't always take care of themselves. The Founding Fathers created an institution that protects this minority, and we will respect our Constitution and those protections.

I have talked with Senator MITCH MCCONNELL, the senior Senator from the great State of Kentucky. He is the minority leader. He is my friend. In the months and years that go forward, we will become even closer because he has learned, and I have learned, through adversity we grow together. I am committed to working with him, and I know he is committed to working with me. We as Democrats are committed to working with Republicans and Republicans are committed to working with us.

Does this mean there are going to be no bumps in the road? Of course there will be bumps in the road. We are in the Senate. The Founding Fathers wanted bumps in the road.

This morning, at 9 o'clock in the Old Senate Chamber, we held a rare joint caucus. It was an opportunity for us to look across the rows at each other and understand that the Senate is a place where we have to work in a bipartisan fashion.

We in the majority, we Democrats, are committed to working with our President, President Bush. He has pledged to work with Democrats. He has pledged to me personally that he would work to make progress.

We are not going to talk about what went on for the past 6-plus years. What I have discussed with the President, as late as last night, is what we are going to do for the next 22 months together. There are 22 months left in this Presidential term. The President, I know, wants to accomplish things. I want to accomplish things. He has to work with us and we have to work with him or jointly we do nothing to help our country.

As I have said, we are going to work longer hours, we are going to work full weeks, we are going to have votes on Mondays and Fridays. None of us are happy because all but 10 Senators here participated in the last Congress, the so-called do-nothing Congress. We are not proud of that fact. We spent less time working than any Congress in modern history. Some days the sessions lasted a matter of minutes. In this Congress, legislative days will be real workdays.

The extra days will help our committees. The foundation of this institution, the Senate, is the committee system. It has worked from the beginning of our great Republic, but it hasn't worked so well lately. But it now is going to have an opportunity to work better. Our committees will have the time they need to put their expertise to use.

The best legislation with the broadest possible support always comes from our committees. In the Senate, we have chairmen and ranking members with years of experience: TED KENNEDY and MIKE ENZI on the HELP Committee; MAX BAUCUS and CHUCK GRASSLEY on the Finance Committee; JOE BIDEN and DICK LUGAR on the Foreign Relations Committee; CARL LEVIN and JOHN MCCAIN on the Armed Services Committee; PATRICK LEAHY and ARLEN SPECTER on the Judiciary Committee. And on and on. These names speak of their broad experience and their ability to get things done for our country, but it must come through the committee process.

As all my Democrats know, when I assumed the job as Democratic leader, I told every ranking member that those committees had to function and I was going to let them function, and I have done that for 2 years. Now there is going to be more time for them to produce legislation. They are no longer ranking members, they are Chairs, but they cannot succeed unless they work with their ranking members.

Our committees will have the time to do a number of tasks, but the one item they need to do is conduct strong oversight. This is not a negative term. Oversight is good. It is important to find out what Federal agencies are doing, to listen to what the people who work there have to say. Congressional oversight is a responsibility that has been abdicated in recent years. Oversight is important for our country, not so we can point fingers or cast blame, but answer difficult questions and find lasting solutions to the enormous challenges we have. Everyone focuses on Iraq—of course, that is a very difficult problem—but there are many other problems that face this great country. The war in Iraq will cast a long shadow over the Senate's work this year. No issue in our country is more important than finding an end to that war. We will be listening very closely to President Bush when he comes forward with his plan next week. The President's new plan must ensure that Iraq takes responsibility for its own future and remove our troops from this civil war. Completing the mission in Iraq is the President's job and we will do everything to assist the Commander in Chief to ensure his responsibilities.

Finally, the Senate will achieve progress for our Nation by ensuring the Senate calendar reflects America's needs. In the weeks ahead, I look forward to receiving input from the minority. This afternoon, as is the tradition in the Senate, I will present an overview of the Democrats' legislative agenda, bills S. 1 through S. 10. Following the tradition of the Senate, my friend, the distinguished minority leader, Senator MCCONNELL, will offer bills S. 11 through S. 20 whenever he feels it appropriate.

In the first 10 bills we will introduce this afternoon, and in our ongoing oversight of the war in Iraq, we intend to address these priorities, basically three of them: one, providing real security; two, restoring transparency, accountability, and responsibility in the United States Government; and three, helping working Americans get ahead by boosting wages and cutting costs in health care, education, and energy.

We begin with S. 1, our plan to change the way Washington works. It was late 2005 when scandals involving lobbyists and lawmakers shocked the very core of this Nation. Despite the Senate's best attempts on a bipartisan basis, here we are 2 years later and still no reform of ethics, lobbying, and earmarks. The American people deserve better. That is why as our first order of business we will seek to give Americans the open and accountable government they deserve. We will start Monday with a bipartisan bill cosponsored by REID and MCCONNELL. I think that is a pretty good start. We will start with the ethics bill that passed the Senate last year. Now, had that bill passed, which it didn't, it would have been the most significant reform since Watergate in lobbying and ethics reform. It didn't pass. Some people minimized our starting point. I maximize our starting point. This bill included important provisions in many areas, but it was not allowed to proceed because of what took place on the other side of the Capitol. This year, we will improve that legislation and make additional reforms.

This legislation will include reforms to slow the revolving door between Government jobs and lucrative employment with special interests. It will eliminate gifts paid for by lobbyists and interests that hire lobbyists. It will limit privately funded travel such as that of the notorious golf junkets to Scotland. It will increase disclosure requirements so the public will be better informed about the activities of lobbyists. And it will increase penalties for those who seek to break the rules. I lay and spread across this RECORD how grateful I am that the distinguished minority leader has agreed to cosponsor this legislation. I think it sends the right message to America.

With these reforms, which I am confident will pass, we will help ensure America has a government that is good and honest as the people it serves.

Mr. President, I send S. 1 to the desk and ask for its appropriate referral. The bill is at the desk. I am told that the bill is at the desk and we choose not to rule XIV it at this stage.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. REID. Mr. President, S. 2 is our plan to increase the wages of working families by raising the minimum wage to $7.25 an hour. It has been 10 years since the minimum wage was last increased. In that time, the cost of gas, to say the least, has increased. The cost of food has increased. The cost of health care has increased. Even the salaries of Members of Congress have increased. In fact, the salaries of Members of Congress in the last 10 years have increased 9 times, by more than $30,000. But through all of this, the minimum wage has stayed the same. It is long past time America's workers received a raise as well.

Today, a mother or father can work full time for the minimum wage but still live $5,000 below the poverty level. Adjusted for inflation, the minimum wage is at its lowest level since 1955. S. 2 will directly raise the pay of nearly 7 million Americans by more than $4,000 and by setting a new salary floor that will indirectly boost the wages of 8 million more workers. That increase is enough to provide nearly 2 years of childcare, full tuition for a community college degree, over a year's worth of heat and electricity or more than 9 months of rent.

During the minimum wage debate we will also likely consider giving small businesses some tax relief. In fact, as we speak, Senator MCCONNELL's staff and my staff are working, along with Senator ENZI, Senator GRASSLEY, Senator KENNEDY, and Senator BAUCUS, to see if we can have a minimum wage bill that he and I will cosponsor and bring before the Senate. We are working on that.

S. 2 is at the desk, and it will be reported at the appropriate time.

S. 3 is our plan to reduce drug costs for seniors. The flaws in the Medicare drug program are well documented, but many can be traced back to one simple fact: The law as written puts drug companies ahead of America's aging. No matter whether we supported or opposed that law—that is, the one that created Medicare drug benefits—we all want to improve the program for older Americans and people with disabilities. It is our obligation to do so. Now the Federal Government, with the millions of seniors it represents through Medicare, is unable to negotiate for lower drug prices. As a result, Medicare beneficiaries are hostages to insurance companies, drug companies, and managed care entities like HMOs. S. 3 is at the desk.

S. 4 is our plan to make America safer by fully implementing the recommendations of the 9/11 Commission. Following September 11, 2001, the country turned to a respected, bipartisan group—the 9/11 Commission—to review the lessons of that terrible day and to recommend better ways to fight the war on terror. Two American patriots chaired that independent bipartisan commission: Congressman Lee Hamilton of Indiana and former Governor Tom Kean of New Jersey. They did a remarkably good job in a period of 1 year. We realized we didn't need Democratic solutions or Republican solutions to keep people safe; we needed bipartisan American solutions to keep us safe. The Commission did a wonderful job and made a number of recommendations. Some were implemented, others weren't. I was the manager, along with my distinguished colleague, the minority leader, of the bill that was brought before the Senate.

One year ago, the Commission delivered a report card grading the Government's progress in implementing its solutions. Among the grades given by that commission were 12 Ds, 5 Fs, and two incompletes. I say, try taking those grades home to your parents. These grades made clear we still have not done enough to make America safe. We have work to do, and this legislation will step toward in fulfilling the recommendations of the 9/11 Commission. Specifically, it will reinvigorate the fight against Osama bin Laden, al-Qaida, and the ideologies of violent extremists. It will enhance the security of our transportation system and our ports. It will provide America's first responders with the technology they need to communicate with each other during a crisis, and it will make it a priority to secure loose nukes around the world.

Finishing the job of implementing 9/11 Commission recommendations will not by itself win the war on terror or guarantee 100-percent complete security for the people of our country, but we hope with our legislation to improve on the worst of those grades, those Ds and Fs and incompletes, so the American people can have every confidence that Congress and the White House are taking every step—every step possible—to keep America safe. S. 4 is at the desk.

S. 5 is the Stem Cell Research Enhancement Act of this year, 2007. It is legislation we seek to pass so that American scientists will find cures—allow them to find cures for dread diseases that affect millions of our fellow countrymen. Today, there are people all across America suffering from debilitating diseases that stem cell research would cure. For these Americans, stem cell research is an area of science that offers hope, if only we in Washington would allow this hope to flourish. Last year, Congress passed legislation promoting stem cell research, only to see it vetoed by our President. This year, we will consider the legislation again, and on behalf of millions of Americans looking for cures, looking for relief, we urge our President to reconsider his veto. S. 5 is at the desk.

S. 6 is our plan to promote energy independence so we can enhance America's security and begin to deal with the threat—the threat—of global warming. I, with five of my Senate colleagues, traveled last week to the poorest country in the Western Hemisphere, Bolivia. We were in Ecuador and Peru. They told us, the most diverse Nation in the world, the most ecologically diverse Nation in the world—Ecuador—that the glaciers are melting Ecuador, rapidly. For too long our country's energy policy has had only one concern: oil company profits—$34 billion for Exxon and the other companies, international cartels, not far behind. We have allowed Exxon's bottom line to take priority over families struggling at the gas pump and the harmful effects of global warming. So in an effort to begin to solve this energy crisis, our sixth bill takes an aggressive approach to reducing America's dependence on oil, especially foreign oil, and putting more advanced technologies in the hands of consumers. It will boost production of electricity from solar, geothermal, and other renewable resources that are abundant in States such as Nevada, and it will grow our Nation's renewable energy jobs and manufacturing base. Freeing ourselves from oil is a tremendous challenge, but it is one we cannot afford to ignore. Remember: Unstable regimes around the world use our petro dollars to pay for international terror, to fund it, and pursue their despotic goals. So energy independence is not only energy independence, it is security. S. 6 is at the desk.

S. 7 is the College Opportunity Act, our plan to make college more affordable for middle-class families. In America today, a college education is more important than ever. Unfortunately, it

is also far more expensive than ever. Today, too many families are being squeezed trying to put their children through school. In the last 6 years, the cost of college has increased by 52 percent. Federal assistance has declined, especially in the form of Pell grants. Our legislation will reverse this trend by raising the maximum Pell grant award. It will also assist families by lowering interest rates for student loans and expanding tax breaks for college costs. S. 7 is at the desk.

S. 8 is Rebuilding America's Military Act. As we speak, there is not a single nondeployed Army unit that is battle ready. The wars in Afghanistan and in Iraq, the war on terror, have been terribly devastating to our military. These brave men and women have done the very best any fighting force could do. But because of Iraq and Afghanistan, the U.S. militarily is strained to levels not seen since Vietnam. While our troops remain the finest in the world, infrastructure is crumbling around them. Nearly all of our combat divisions have been deployed and two-thirds of our Army combat brigades are not ready for combat. GEN Peter Schoomaker, the Chief of Staff of the Army, testified last month, ''At this pace . . . we will break the active component'' of the U.S. Army.

We, also, have National Guard, Reserve and Active-Duty veterans coming back in droves to America without sufficient help for their health care and certainly not their education.

If we want real security, we must rebuild the U.S. military and ensure it remains the best fighting force in the world. S. 8 is at the desk.

S. 9 will secure America by undertaking comprehensive immigration reform. I had friends and colleagues, staff, ask: Why are you bringing up this controversial subject on the first day of Congress? It has to be brought up. Immigration is a problem that affects this Nation. Last year, we passed a solid immigration bill in the Senate. There are parts of that bill I didn't like, but we passed a bill. Unfortunately, it fell victim to politics, again in the other body. Immigration reform is too vital to our security and our economy to fall by the wayside, so we must deal with it again this year. Our immigration system is broken. Does anyone dispute this? Our borders remain unsecured. Does anyone dispute that? Our laws remain underenforced. Does anyone dispute that? Does anyone dispute the fact that we have 11 million people with bad papers who are here illegally? Does anyone dispute that? No. So our bill will take a comprehensive approach to repairing this broken system. With tough and smart reforms, it will secure our borders, crack down on enforcement, and lay down a path to earned legalization for undocumented immigrants already living here. There is no amnesty. If there were ever an example of the need for bipartisanship, it is on immigration because it is going to be hard, but it is something that we have to do. S. 9 is at the desk.

Finally, S. 10 will reinstate pay-as-you-go rules to the budget process. This does not sound very politically sexy, to talk about pay as you go. But as most know, the Senate used to operate under a rule called pay as you go. This simple proposition demanded that when we increased spending or cut taxes we had to pay for it. It is a commonsense principle families all across America practice when they balance their checkbooks. Pay-go was in place in the Senate in the 1990s, when our country experienced unprecedented levels of economic growth and vitality. Remember, it can be done. In the last years of the Clinton administration, we paid down the national debt by almost a half trillion dollars. Unfortunately, the rule disappeared in recent years and the results have been disastrous: $9 trillion in debt; the largest deficits, of course, in our history; foreign debt that has more than doubled, giving unprecedented control to countries such as Saudi Arabia and China. We are even borrowing money from Mexico. These countries should not have the unprecedented control of our economic destiny. We are facing a fiscal nightmare that will not go away this Congress, and it will handicap our ability in all we need to do in so many different areas. With pay-go in place, we will begin to set America on the right track.

I have been in Congress going on 25 years. In my 25 years, I witnessed many fine moments in our Senate's history. But I believe in my State, in the Senate, and in the House, the days following 9/11 are what America is all about. It was a national tragedy, but it brought out the best in us, the best in Members of Congress, the best in the American people. Democrats and Republicans from all over America put aside our differences and worked with the administration to protect our country. That day showed the Government working as the Founders intended. This year we must work on the same bipartisan basis, the same fashion.

It should not take a national tragedy for us to work together. We should be equally united by our ability to make a positive difference in the lives of the people who sent us here. Today is that beginning. This year let us work side by side and succeed together.

The future lies with those wise political leaders who realize the great public is interested more in government than politics.

—Franklin Delano Roosevelt, 1940.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. PRYOR). The Republican leader.

THE 110TH CONGRESS

Mr. MCCONNELL. Mr. President, we have heard my good friend, the majority leader, describe the first 10 bills of the majority in the new Congress. I would say for the information of all of our colleagues, the procedure in the Senate Republican conference is for the conference itself to designate our first 10 bills. We will be doing that at a meeting to occur in the next few weeks. We have essentially reserved the numbers S. 11 through S. 20 which will reflect our priorities for this Congress.

Let me say at the outset, before giving my opening remarks, how much I value the friendship and relationship I have with the distinguished majority leader. I believe we had an excellent session this morning in the old Senate Chamber, and we look forward to getting off to a good start.

Today is the 110th time in our Nation's history that we begin a new session of Congress. This is a day to renew our purpose, to set a sturdy course for the important work ahead, and to ask ourselves: What will future generations say of the 110th Congress? This is the first day of that Congress. What will they say of us on the last day?

The Senate has a unique role in our Government. It always has. It is a place where the two great political parties must work together if a common goal is to be reached. It is the legislative embodiment of individual and minority rights, a place where the careful design, crafted by our Founding Fathers, pretty much operates today the way they planned it 220 years ago.

We saw this 43 years ago with the Civil Rights Act of 1964, when the two parties forged a difficult alliance to reach a great goal. Segregated buses and lunch counters are difficult to fathom now, but their end only came about through the kind of cooperative resolution that has marked this body from the start.

At its best, the Senate is a workshop where difficult challenges, such as civil rights, are faced squarely—and addressed—with good will and careful, principled agreement. At a time such as our own, when so many issues of consequence press upon us, it must be nothing less.

Yet the challenges ahead will not be met if we do nothing to overcome the partisanship that has come to characterize this body over the past several years. A culture of partisanship over principle represents a grave threat to the Senate's best tradition as a place of constructive cooperation. It undermines the spirit and the purpose of this institution, and we must do something to reverse its course.

The Senate can accomplish great things over the next 2 years, but this opportunity will surely slip from our grasp if we do not commit ourselves to a restoration of civility and common

purpose. So as we open this session, I stake my party to a pledge: When faced with an urgent issue, we will act; when faced with a problem, we will seek solutions, not mere political advantage.

The Framers thought a lot about the kind of people who would sit behind these desks on the floor and they set down some simple rules. Senators should be older than their House colleagues. They should serve longer terms, and proportional representation ensures that all States have an equal say, regardless of size. The Senate was also conceived to be a place of civil debate and good will.

Mike Mansfield showed grace and humility in his efforts to expand civil rights. Working with Republicans to offset resistance in his own party, he guided passage of the great Civil Rights Acts of the 1960s and even let a Republican take the credit. In fact, today the name Everett Dirksen may actually be better known, but historians know better.

Mansfield's collegial spirit didn't just surface when it served his purposes. Historians tell us his first appointment each day was breakfast with Senator George Aiken, a Republican from Vermont. The two men met when one of Aiken's aides spotted Mansfield alone, pushing a tray down the cafeteria line in the Capitol. She asked the new Senator if he wanted to join her and her boss for lunch, and he did. The two men remained close friends for 25 years. A small act of kindness set the tone.

Cooperation among parties is not so distant a memory that some of us can't recall Democrats and Republicans working together to pass President Reagan's tax cuts in the early 1980s. That common effort led to the greatest economic expansion of our history—the American miracle, they called it.

We saw the spirit of cooperation again in the 1990s, when a Republican-led Senate worked with the Democrats, including President Clinton, to reform welfare. And we have seen it in recent years, though less frequently, on issues such as tort reform and the Medicare prescription drug benefit.

We used to say that Senators were friends after 5 o'clock. We need more of that if we are going to restore this body to its high purpose. The Senate is not a club nor a clique. It is a group of men and women charged with the solemn duty to support and defend the Constitution against its enemies. George Mitchell once called the Senate a single body made up of 100 independent contractors. Yet he earned the respect of his colleagues by his willingness to listen, to work together, to take risks. He knew when to put self-interest aside. He knew the role of the Senate.

The risks we face today are grave, and facing them will require greater unity and civility than we have been used to around here lately. But drawing on the examples of the past and conscious of this body's historic role, we can again rise out of our party trenches and work together for the good of all.

This morning the Democrats and Republicans got together in the old Senate Chamber, an ornate, rather small room compared to this one, that always reminds me of the promise of this Nation in its early days. I would like to see, in this small act of bipartisanship, a sign of restoration to come.

The work of restoration should start with the things that are easiest to do because a victory in small things now will lead to big victories later. The Senate has not approved a minimum wage increase in more than a decade, but we are willing to work together toward that end. We believe that an increase needs to help both the workers who earn it and the small businesses that pay it.

It just makes sense to pair the increased wage with tax and regulatory relief, so the small businesses that create most of the new jobs in this country can remain competitive and employ even more people. We can get this done.

The voters told us in November that they expect more from us. One concrete thing we can do to restore their trust is common sense lobbying reform. The first bill I will sponsor as the Republican leader, in cooperation with the majority leader, is aimed at precisely that. The voters want honest government. We can get this done too.

Two issues. Two issues we can move on carefully but quickly. Let's get them done.

After that, I challenge this body to be daring. The Senate has no claim on greatness unless its power is put to great ends. Divided government demands that we must work together. So let us do so not only for ends that are easily within our grasp, but for those worthy things that have just eluded us in the past.

Social Security is an issue on which Americans demand action—yet many fear what action might mean.

Our job is not to play into those fears but to erase them. To show voters that the greatest cause for fear is the system in its current, unsustainable form. Everyone in this Chamber knows the facts. So let's be honest brokers—and strengthen Social Security before this Congress ends.

Today, the 110th Congress begins. But before it ends, the first great wave of babyboomers will retire. Over the next two decades, more than 77 million people will leave the workforce even as fewer new workers join it. And by the time they all leave, there will be only two American workers supporting each retiree.

This is clearly unsustainable. Unless we reform the system, we have a choice: Either our children work longer and harder or our parents live with less.

The Senate cannot sit idly by as this demographic reality takes shape. Rather, we must do the hard work we were elected to do. We must make our money work harder for our parents and our children, and so we need to reform Social Security now.

The Framers knew we would have to make tough decisions. That's why they didn't want Senators to be elected by popular vote. The system they devised had its own problems, so we changed it.

But the principle was sound: the right decision is not always the easiest one. We have an obligation to address the important issues of the day, in a spirit of cooperation and courage, and with a goal of accomplishment for all Americans.

Immigration is one the most pressing issues of our day. We should be daring about immigration reform—and act on it soon. The voters demand it. We have a duty to deliver.

Americans are generous, eager to welcome strangers and happy when they prosper. Yet we know that the blessings of liberty depend on respect for the law and a common national culture. We can ensure both even as we welcome those who come here looking for a better life.

Laws that are generous need not be lax. And a country that is not secure at its borders is not secure in its laws. Border security and other law enforcement professionals must have the tools they need to keep our borders—and our laws—strong.

America has not seen a domestic terrorist attack since we committed ourselves to the global war on terror. That is not an accident, some quirk of fate. Rather, it is due to the hard work of spotting and disrupting threats before they strike.

The indisputable success of these efforts is the greatest argument we have to continue to support them—and to make sure those who secure the homeland are fully equipped to continue the outstanding work they have done.

One of the principles that has guided our efforts in the war on terror is that terrorism must be fought at a distance or it will be fought in our streets.

This policy has worked—and we must ensure that it continues to work by giving the men and women who carry out that mission every day all the tools they need.

One of those tools is the terrorist surveillance program. If terrorists are calling the United States, we should know what they're talking about. This program has saved lives. And we would endanger others by ending it.

Al-Qaida is not a threat to Republicans; it's not a threat to Democrats—it is a threat to America. And the Senate must work together as we prepare for the long struggle ahead.

We must use all the tools we have: diplomacy, intelligence, economic and military might. The men and women of the Armed Forces have sacrificed much in battle. Their families have made great quiet sacrifices at home. We will honor both by pledging that the American Armed Forces will remain the best equipped, best trained, and best prepared in the world.

And very soon, we will return to the issue of Iraq. It is my hope, and my challenge to this body, that the debate will be based on what's best for the future of our Nation and for Iraq—not what's best for the Republican party or the Democratic party.

The Senate must be bold in preparing Americans for the struggle ahead. Our Nation's security depends on secure borders and a strong fighting force. It also depends on energy independence. So we must continue to work hard to decrease our reliance on foreign sources of energy.

We laid a solid foundation during the last Congress, with passage of the Energy Policy Act of 2005 and, just last month, with the enactment of the Gulf of Mexico Energy Security Act. Both measures were passed with bipartisan support, and both will decrease our dangerous dependence on foreign oil and gas.

There is more that we can do both to increase domestic supply and decrease our demand for foreign energy. The United States has an abundance of coal and remains a leader in nuclear technology. We should focus attention on using these natural resources safely, cleanly, and efficiently.

We cannot go back on the gains we made in the last Congress. And I will work with my colleagues to continue this vital work.

If the restoration of our purpose does not lead those of us in the Senate to be daring, then our prosperity should.

Republicans presided over 4 years of economic growth; the biggest housing boom since World War II; and an unemployment rate that has stayed at or below 5 percent for more than 15 months. The current rate of 4.5 percent is just remarkable.

The crash of 2000 yielded to gains that have sent the Dow Jones Industrial average to an all-time high. We have created more than 7 million jobs since August 2003. These gains are no accident. They are the result of the stimulative tax relief we passed. These policies clearly worked, and they should be kept in place.

Republicans used the strong economic climate to cut the deficit. We cut it in half even more quickly than anyone thought we would. And working together, across the aisle, we must continue that trend and balance the budget within 5 years.

Another focus of this Congress is the overwhelmingly popular and effective prescription drug relief for seniors. President Bush and the Republican Congress gave seniors the Medicare prescription drug care benefit they had waited on for decades. We cannot ''scrap'' this program, as some would like. And we will oppose any effort to do so.

A spirit of cooperation will lead to a heightened respect for fairness—and ensure that the same number of judicial nominees that were confirmed in the final years of the last three administrations are confirmed in the last 2 years of this one.

Americans want judges to uphold the original intent of the Constitution, not rewrite it. Judicial activism has divided the courts, the Congress, and the Nation for too long. If our work of restoration and a new civility is to take hold, we must recommit ourselves to the ideal of judicial restraint.

Like the three Presidents before him, President Bush will spend his last 2 years in office with the opposition party in control of the Senate. Like them, he has a right to expect that his nominees will receive an up-or-down vote.

The voters recently sent us a message. They told us to solve the problems that face this Nation. They expect us to win the wars we wage. And they expect us to be men and women of principle.

The people of Kentucky gave me the great honor of my life when they first elected me to the Senate. And I have gone about my work here with them foremost in my mind.

I have fought hard to advance and protect the values that matter most to the people of my State.

It is because of another election that I stand here today. I am honored that my colleagues chose me to lead them at this important moment in our history. I take my duty seriously.

I am filled today with a sense of purpose—for party, yes, but for this institution and for our Nation first, for their renewal.

Elections are about ideas, and here are some I hold most dear.

I believe the state exists to serve individuals and families, not the other way around.

I believe everyone fortunate enough to call himself or herself an American should be able to pursue their dreams freely.

I believe God has blessed this country richly, and that the proper response to the gift of freedom is to defend it.

And I believe that the first duty of Government is the defense and protection of its citizens.

So I am eager to work with my colleagues to find bold solutions to big problems. Yet on some things I will not yield.

I will never agree to proposals that weaken the security of our citizens at home or the capabilities of our Armed Forces abroad.

I will never agree to a tax increase on working families or small businesses. Our economy is strong because of the hard work and enterprise of Americans. We will not undermine that spirit by taxing it.

I will never agree to retreat from our responsibility to confirm qualified judicial nominees.

Bipartisanship, cooperation and accomplishment; yes. Civility; yes. But we will remain true to our principles.

Henry Clay was a great Kentuckian. He spent the last 2 years of his life using the tools of the Senate to save his country. His devotion to the cause of national unity was so great that one rival called it ''a crowning grace'' to Clay's public life.

Clay shows us that divided government need not be divisive. Indeed, it often leads to historic agreements that unity governments have little incentive to achieve.

And so, working together, forgetting past grievances, forging new alliances, we can solve the difficult issues of the day. This is the purpose of the Senate and the privilege of its Members.

If our steps are guided by this simple principle, then this 110th Congress will have met its responsibility on behalf of all Americans, and strengthened this institution for the unseen challenges that will always lie ahead.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the next 2 hours of morning business be controlled as follows: the first 60 minutes under the control of the majority, the second 60 minutes under the control of the minority, with Senators therein limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant majority leader.

A NEW DIRECTION FOR AMERICA

Mr. DURBIN. Mr. President, it is my honor to follow the speeches that have been given by my new majority leader, Senator HARRY REID of Nevada, and my new Republican leader, Senator MITCH MCCONNELL of Kentucky. It is a great honor for me to stand this day in the Senate as the assistant Democratic leader. I cannot express my gratitude to my colleagues for entrusting me with this responsibility.

I come to this moment with a sense of amazement. Some 40 years ago, as a college student in this town, I first set foot in the old Senate office building as an intern, never dreaming that 40 years later I would be standing on the floor of the Senate in this capacity. It is indeed a great honor.

I do not know how many men and women have lived in the United States

of America in our history—hundreds of millions, for sure. Today there are some 300 million who count America as their home. In the entire history of the United States of America, from its creation, as of today, as of this moment in our history, 1,895 men and women have had this high honor of serving in the Senate. Today, we were joined by 10 more.

Their life stories, like the stories of many of us, are the stories of America: stories of immigrant families, stories of struggle, stories of dreams that finally resulted in an election to this great body in the Senate.

I imagine if you called on some of the experts in U.S. history—even those who served for quite a few years in the Senate—and asked them how many of the 1,895 Senators who have served here they could remember, they would be hard pressed to come up with a long list. As it happens in most walks of life, a few people stand out in history. But most are part of a parade, a parade that passes by many times anonymously.

In the desk drawers of each of our desks here there is a quaint little Senate custom. I was talking to Senator John Glenn of Ohio about it today. Senators who have served here, despite what they were told by their teachers in grade school, are encouraged to scratch their names in the bottom of the desk drawer. I happen to be sitting at the desk of former Senator John Glenn of Ohio, and my former mentor and inspiration, Senator Paul Douglas of Illinois. I would imagine if you look in these desk drawers, there will be many names you do not recognize. The point I am trying to get to is this: Members of the Senate, men and women, come and go, but, thank God, this Nation endures. And it endures because of the sacrifice each makes for the common good of this Nation.

We have weathered so many storms—9/11 the most recent but, of course, the Civil War, which almost tore us apart—and time and again throughout our history men and women in this body, in the Senate, have decided the good of this Nation was more important than their individual personal ambition.

We have another similar moment in history. It is interesting how critical Americans are of their politicians; and that is a healthy thing. We do not assume that those elected to public office are part of any gifted class or any special group. We just assume they are people who are like us and fortunate enough to get elected. But over the years a lot of people have questioned us, whether those of us who have devoted a good part of our lives to public service truly have the public interest in mind.

The skepticism grew last year with the culture of corruption, the announcements of indictments, prosecutions, resignations, not just among public officials but those who work in the Halls of the Capitol. And the skepticism and cynicism about public life grew as people heard more and more of these stories. That is why it is so important we reflect on what Senator REID said earlier about our agenda.

The first item on our agenda—and there could be many—is to address this issue of ethics and honesty in Government. I have been a fortunate soul in public life. Two people who brought me here—Paul Douglas and Paul Simon, both Senators—were literally paragons of public virtue.

Paul Douglas, as Senator from Illinois, used to have a tradition that except for food and drink he would not accept a gift worth more than $2.50. Now, it sounds like an interesting standard. It turned out to be a complete headache to figure out what to do with a gift that was worth $3, or what to do with the belt that a man hand tooled with Senator Douglas's name on it and sent to him as a gift. But he was steadfast in his belief that public service meant public sacrifice, not public enrichment.

Paul Simon, my other mentor in life, felt the same, followed in the Douglas tradition, and started me on a long road of disclosing in complete detail every year my income taxes and total net worth. There were painful moments early in my married life when Loretta and I had very little to claim as earthly possessions and filed a net worth which was pretty embarrassing. Things are a little better now, and I have continued the tradition.

But when Senator REID talks about changing the Senate rules, to start with, as the first item of business, I think what he is trying to do on behalf of Democrats and Republicans in this bipartisan bill is to address this fundamental issue of restoring the confidence of the public in the Senate. Before we roll up our sleeves and take on the issues that count for every family across America, let's take on the issue of restoring the integrity of the Senate. That is why this is a bill that is high on our list and the first we will consider.

The American people voted for change in this last election in many ways. They certainly want us to move forward. Some of our advisers tell us that the term ''bipartisanship'' has too many syllables and is unintelligible to the average person. I am not sure. But people do understand the words ''cooperation'' and ''compromise.'' And I think people across America said to us in the last election: We want you to compromise. We want you to find solutions. We do not want you to play to a draw with nothing to show for it.

The first issue that concerns the people of Illinois to whom I speak is this war in Iraq. In the first week of October, I went to Iraq with Senator JACK REED of Rhode Island. We visited Afghanistan and had three different stops in Iraq, and we spent many hours meeting with our soldiers, sailors, marines, and airmen. I spent extra time with those from Illinois just to say hello to them and thank them. I came back not just with some frustration over a war which I think was a colossal, strategic mistake, but anger—anger that we continue to ask these brave young men and women to sacrifice their lives every single day.

I can recall when one of the generals took us aside and showed us one of these roadside bombs that kills and maims our troops, almost on a daily basis. It looked like nothing more than a fruit cocktail can, with both ends lopped off and a metal charge inside. They disguise it and camouflage it and put it on the side of the road. While unsuspecting American soldiers course down that road, they unleash the blast that kills or maims them. That is life for our soldiers in Iraq. They do not confront an enemy so much as confronting these improvised explosive devices.

Over the last few weeks, we have passed some tragic milestones. More Americans have died in Iraq than died on 9/11. As of the first of this year, the 3,000th American life was lost among our fighting men and women in Iraq. Over 22,000 have returned from Iraq with serious physical and mental injuries.

The legacy of this war will continue. Next week, the President is to propose the next phase of the war, what he wants to do next. I have to tell you, as one of 23 Members of this Senate who voted against this war, I continue to believe we made a serious mistake underestimating the gravity of the challenge once we had deposed Saddam Hussein. It is clear now this administration was not prepared to wage this war, certainly not prepared to move us to peace. What they have done is to move our troops into harm's way, risked their lives, and leave us in a situation, 4 years into this war—a war longer than World War II—where there is still no end in sight.

In October, our leaders in Iraq told Senator JACK REED and myself it is a matter of months. If we cannot get this under control in a matter of months, we have to be honest about it. I think honesty is important. There is a lot of talk about surge. Let's move beyond the word ''surge'' into the reality. We are talking about the lives of American soldiers, whether we will send 20,000 or 30,000 more American soldiers into that field of combat, whether that can possibly make a difference.

I hope to God the President reconsiders that. I am afraid in many instances we are only sending targets and not troops. It is time for the Iraqis to stand up and defend their own country. It is time for them to accept the responsibility of governance and defense. We have given them so much,

over 3,000 American lives and all of our treasure, so they can rebuild their country and have a chance. We deposed their dictator, put him to trial, saw his execution, gave them a chance for constitutions and governments, gave them all these opportunities, and now it is their turn. We cannot impose democracy on them. That appetite for democracy has to spring from their souls, and they have to want it badly enough to work out the political compromises to disband the militia, to show the kind of leadership which will give them a nation in fact rather than just in words. That will be one of the big issues we debate here.

Some have criticized us this week for not talking about Iraq enough. I can understand it. When I hear the mothers of fallen soldiers say that should be our first priority, I think they understand, as we do, there is nothing more important that ever happened in their lives. This assurance I can give: Next week, when this Senate convenes, both the Armed Services Committee and the Foreign Relations Committee will begin hearings on Iraq. The debate will really begin in earnest, as it should, as the American people expect. And we will have a responsibility to come up with the best answer for our Nation, for our troops.

There are so many other issues we face. One near and dear to my heart is the cost of college education. This young boy from East Saint Louis, IL, could never have attended Georgetown University or law school were it not for Government loans. I borrowed the money, paid it back, and believe it changed my life forever. So many students across America today wonder if they will ever be able to borrow enough to go to school. Some of them drop out because of debt. Some of them change their life plans because of paying off student debt.

One of our first priorities is to reduce the cost of college education expenses so young people with great dreams and limited means have a chance to succeed. That is one of our priorities as Democrats, and one I totally support.

I also think we have to restore some basic economic justice in America. How can you possibly explain that over 10 years we have not raised the Federal minimum wage? These people get up and go to work every day, many of them raising children, struggling to survive, going to soup kitchens and pantries to supplement their income.

Over the Christmas holidays—as many of us do—I visited some of those places, and I met a lot of people who work 40 hours a week. They come to the soup kitchens, they come to the pantries because that is the one way to supplement their income. Well, we can do better. We need to increase the Federal minimum wage. And as Senator REID said, it is one of our highest priorities.

Senator MCCONNELL said, a few moments ago, when it comes to the Medicare prescription Part D program, he will not stand by and allow us to scrap the program. I say: Hear, hear. We do not want to scrap the program. It is long overdue. Prescription drugs under Medicare keep our seniors healthy, independent, and strong. But, sadly, we know the reality that when that bill was passed, it was written by the pharmaceutical industry. It took competition out of the program so they could charge higher prices. It created a maze of opportunities, but a maze of choices for many seniors who were bewildered by what to do. It created a doughnut hole, a period of time where seniors who were the sickest had no coverage whatsoever.

So I would say to my colleague on the other side of the aisle, we are not going to scrap it. We are going to do our best to improve it. And we can improve it, bring in some competition so we have reasonable cost drugs, so we have more coverage for seniors across America.

There is an old saying that there is no education in the second kick of a mule. No matter what side of the aisle we are on, there is a lesson for all of us. The American people have given us today a rare opportunity in our history. They have given us an order, too, to chart a better course for this Nation. They have asked us to listen. And if, at the end of the day, we play to a draw on these major issues—if we do not achieve results, if we do not show a good-faith effort toward compromise and cooperation—they will be just as harsh in their judgment 2 years from now as they were last November. And we deserve it.

As we begin anew this Congress, we need to resolve together, on a bipartisan basis, to find that path to a better and stronger America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

IMPORTANT PRIORITIES

Mr. SCHUMER. Mr. President, I rise as well to speak about our priorities that Senator REID has introduced. First, I compliment him for his vision and drive toward shaping these priorities, and his leadership that will ensure the Senate makes the concerns of the average American family our top priority.

I thank my colleague from Illinois, Senator DURBIN, who, as always, is able to articulate in a very smart way, but also a way the average person can understand, how important these priorities are to us.

I also, in advance, thank my colleague Senator MURRAY for being here, and who again, in her usual wise and thoughtful way, will help us let the American people know what our priorities are.

Now, I wore a blue suit today, naturally, because we are all excited over the election in November. But in our excitement, we have to remember that we are here because of the people who sent us here, and to realize their desire for change, to make their lives better. We know a bipartisan approach is the best and perhaps the only way we will get this done.

If all our exultation and happiness today—and, believe me, I stood there with pride watching the new Members in particular be sworn in, knowing how fine they are, what a diverse group of people they are—the thing they share in common is coming from the bosom of the people of their State. Each one, each of the new representatives, each of the new Senators represents the people of their State.

They come to us with a message, and I don't think the message is left, right, or center, as some of the pundits have said. The message is to keep your eyes focused on the average family. All too often we in Washington get lost in the world of Washington. Too often politics here seems to be a minuet, shadow boxing, sometimes real boxing, where each party and each individual is seeking advantage over the other, and the focus on getting something done—something done for the American people—gets lost.

If there was one message that this election had, I think that is it. The American people were pleading with us, crying out to us with a strong but plaintive voice: Help us. The world is changing, and we see that world change in every way. Technology has dramatically affected everything we do, whether it is terrorism, where technology has enabled small groups of bad people to hurt us; whether it is jobs in education, where we now have a one-world labor market, and our workers, our kids in the third grade are going to be competing not simply against the kids in the third grade across the hallway but the kids in the third grade in China, India, and Brazil; whether it is the technology that has allowed us to live longer.

I read somewhere that a little girl born today, if she lives in the early months and up to a year old, could well live to be 100. And not very unusually, that would almost be the average. That is incredible. What that means is new problems for Social Security and Medicare. It also means that our whole lifestyle changes as people get married later, have children later, and retire and have many years of leisure in life. So technology is changing everything.

The old messages—whether they be, in my judgment, the old Democratic new deal message or the old Reagan Republican message—just don't work anymore. Voters, in November, didn't tell us to adopt a certain ideology or philosophy or even party. Their message to Washington was to stop fighting with each other and finally get

something done for average Americans who are in more need of help now as the world changes quickly and dramatically.

The average American wants us to get to work on issues that matter to them on a daily basis: making them more secure, lifesaving medical research, fair wages, comprehensive immigration reform, energy independence, and affordable education and prescription drugs. They want us to go to work for them again. That is what we are going to do.

The 10 bills we have introduced are all aimed right at the heart of the average American in the sense of saying to the average American: We do know what you need, what you have asked us to do, and we are going to do our best to help you.

Make no mistake; overall, families are doing quite well, but they are beginning to hurt in certain ways: high gas prices, skyrocketing tuition, prescription drugs. These are all things the average person worries about that they probably didn't worry about 10 years ago. These first 10 bills that we are going to introduce represent the Democratic priorities for the Senate and the country. These bills take aim at making education and prescription drugs more affordable. They address our goals for energy independence, better homeland security, innovative medical research, a modernized military, and comprehensive immigration reform—priorities that have been neglected for far too long.

I first want to express my enthusiastic support for our bill to address college affordability, S. 7, which my colleagues will also address. We know we must make it easier for families to send their kids to college. As tuition costs rise, it gets harder and harder for them to do it. As college becomes more of a necessity, it also becomes less affordable. That is the dilemma we face. We are facing a critical time with this challenge coming, when a college education is vital not only to one's individual future but to our Nation's prosperity and independence.

We are competing now in a global market connected by technology, and we need a well-educated workforce. That is why I introduced upon arriving in the Senate a bill to permit a college tuition tax deduction. I have worked to support it ever since. We must ensure that this deduction does not expire, as it nearly did in December, by making it permanent. And we must do more. Just getting by is not enough when it comes to sending our kids to college. We must address other aspects of college costs, including Pell grants, loans, and lowering interest payments on loans. I know my colleague, Senator KENNEDY, has big plans for addressing these issues. Just as I will work hard on the Finance Committee on the tuition issue, he, in the HELP Committee, will be leading many of my colleagues on those issues there.

What I have been asked to spend a few minutes to talk about is S. 4, a bill to implement the recommendations of the national commission on terrorist acts, the 9/11 Commission. It has now been over 5 years since the tragedy and devastation of September 11. On that day, our Nation changed irrevocably with the knowledge that terrorist forces, motivated by hatred, have the determination and ability to threaten America on our own soil. My own city of New York knows this devastation and tragedy well. On that day, and in the days following, we lost thousands of our friends and family members, including hundreds of brave firefighters and police officers who died trying to save others. We owe it to all those who lost their lives on that day to take up and implement the commission's recommendations.

On that day, it was clear that much needed to be done to improve the security of our homeland. The President and Congress responded in part by establishing the 9/11 Commission. This bipartisan commission did its work thoroughly and well, devising 41 core recommendations to prevent, defend against, and respond to the threat of future terrorist attacks. Each one of the recommendations was a vital part of the Commission's charge to Congress and the President. Yet Americans have not just been gravely disappointed but also endangered by the failure to implement all of the recommendations of the 9/11 Commission. It is high time for this failure to be rectified.

S. 4 expresses the sense of Congress that we must immediately work toward passage of legislation that will, after far too long, implement the solutions carefully crafted at our request. As the committee puts together a final detailed bill, S. 4 will serve as an important symbol of our priority for securing our Nation by implementing the recommendations. We have made some improvements since 9/11, but we still have so far to go.

America simply cannot wait any longer to fully protect our homeland. Whether it is improving communications between first responders, ensuring that law enforcement shares information about threats, or securing our transportation systems, which I know my colleague from Washington has worked on, we have a whole lot to do. We cannot wait longer for decisive action to stop weapons of mass destruction from falling into the hands of terrorists entering our country or being built by those who would destroy us. We cannot wait any longer to better combat the violent extremism that is growing around the globe.

This is only the beginning of the work that remains to be done. We have heard so much talk about homeland security in the years and days since 9/11, but in all this time we have seen far too little action. In the 110th Congress, at last that shameful state of affairs must and will come to an end.

In conclusion, the voters in November gave us great honor but humbling responsibility. We must now rise to meet that responsibility by returning the focus of our work to the basic needs of American families. Today is the first and important step toward meeting that responsibility.

So as we start this new Congress, I look forward to working with our Republican colleagues and the President to deliver these priorities for American families. Those families deserve no less.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I am honored to be here with my Democratic colleague today. I listened to the Senator from New York talk about our top 10 priorities. Senator REID, our new majority leader, and Senator DURBIN before me talked about how we now in this new majority are going to focus on the real issues affecting American families. I congratulate Senators REID, the new majority leader, and MCCONNELL, the Republican leader, for setting the right tone today by bringing us together this morning and reminding us all that we are here together to work on a very important agenda for the American people. We will have our disagreements, our partisan battles, but at the end of the day we have to move legislation forward because if there was any message to me out of the November election that brought us to the majority now, it was that people want us to get past the partisan rancor on the floor of the Senate. They want us to get past the bickering. They expect debates, they like that, but at the end of the day they want us to move forward.

Across this country today, American families are struggling to send their kids to college, struggling to get health care, struggling with their pensions, struggling with their salaries, and they expect us, the 100 leaders of the Senate, to be here together to solve those issues in a way that moves them forward and gives promise and hope to the next generation.

Mr. President, that is what the top 10 priorities are that our new majority leader set out for us today. They are bills that focus on bringing back hope and opportunity for the thousands of American families that are hoping today that we have heard them and that we will respond and work hard to make sure their lives are better.

I am pleased that we are beginning next week with ethics reform. I think it is important to start with a strong message that we understand we have a responsibility to uphold the honor of this Senate, not just for today but for

many years to come. I am very excited that within a few weeks we will be talking about the minimum wage for the families out there who are struggling so hard to make sure they do the right thing for their kids and to send them a message that we understand and we are going to do a little bit to help them.

Senator SCHUMER talked about the 9/11 Commission and implementing their report—something we should have done long ago. The security of this Nation, people's fear about where we are, is a message that we all need to understand. I am pleased that is part of the top 10 priorities of this new Congress. In dealing with the Medicare prescription drug plan, I have met with many seniors in my home State and they are confused and frustrated. They are angry as they fall into the doughnut hole and realize that the promise we have given them of prescription drugs is not meeting that expectation, and we have a responsibility to do better. I hope that we can.

I heard Senator MCCONNELL a short while ago say he didn't want us to tear apart the Medicare prescription drug plan. Nobody does. We want to make it work. I hope we can work together in cooperation and make that happen. Stem cell research: The Senator from Iowa will be speaking in a few minutes. He has been a leader on that issue. It is about promise and hope for so many American families. I hope we can move it quickly through the Senate, through the House, and to the President's desk. If we have to, I hope we have the votes to override. Far too many families struggle today, and we should at least send them the promise of the future as generations before did for us. Energy independence is critical in my State and across the Nation. It is something I hear about everywhere I go.

Strengthening our military: Certainly, that is important today, as we know we face terrorism across the globe, and we have exhausted our forces in Iraq. We have to make sure that we work together in a bipartisan manner to strengthen our military not just for today but for those who come behind us.

Included in that for me is taking care of those who have served us, our veterans, keeping the promise we made to them when they served us overseas, that we will be there when they come home. We cannot tolerate the long lines our men and women are in, the fact that they are coming home and cannot get a job; that the unemployment rate for 18- to 24-year-olds who served in Iraq and Afghanistan is three times the national average. We have a lot of work to do there. I am pleased our leader has put out immigration. This is an issue the Senate has worked through. It is a tough one, but it is one that, if we work together, we can move forward.

Many other issues are coming before us, but one I want to mention, in my last few minutes, is the issue of education. That is the backbone of our country, it always has been: making sure young people today can grow up and know that if they choose, they can go to college and it is affordable.

I am especially delighted that S. 7, one of the top 10 priorities, addresses the issue of college affordability. It is very disheartening to me to walk into a middle school today and have seventh and eighth graders say to me: Why should I get good grades; I can't afford to go to college. That is not the message we should be sending. We should be sending the message to them that if they work hard and get good grades, they will go to college.

We have to address that issue in the Senate. We all know the jobs of the future depend on our young people today and whether they get the education they need, and the money should not be a barrier.

I know this issue. Money was not a barrier for me when I was growing up. My father was diagnosed with multiple sclerosis when I was in high school. There are seven kids in our family. We all thought the door had been shut to us and the ability to go to college. But not so because leaders in the Senate stood up before I ever knew about them and said we need to have Pell grants and student loans and we need to make college affordable.

So all seven kids in my family—despite the fact my dad could no longer work and was confined to a wheelchair, that my mom had to go on welfare, she had to go back to school herself and raise seven kids—we were able to go to college on Pell grants and student loans. All seven of us graduated and went on and one of us became a Senator.

We should not be shutting that door of hope to any young American today. No matter what happens to them personally, no matter what their circumstances, no matter what State, city or community they grow up in, we want them to know the United States of America and leaders in their country know it is important for them to get an education.

So as we move forward in this session of Congress, we are going to focus on college affordability and making sure that the backbone of our country is strong once again.

We have much work ahead of us. We do need to work together. Mr. President, 51 to 49 in the Senate is very close, but we know that the issues in this country are extremely important and the families in this country are counting on us.

I look forward to working with all of my colleagues to achieve an agenda that sends that promise of hope once again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first, I thank the Senator from Washington for a very eloquent and very profound statement. The message the Senator from Washington put forward on the Senate floor is one that all Americans ought to hear. It is a message of hope and promise.

I thank the Senator from Washington for her leadership in so many areas but especially in the area about which she spoke so eloquently—the area of education. I had not known that about her family. It brings home once again that in the America we love, anything should be possible for any child. No child should be deprived of the hopes and dreams of having an education and succeeding in life simply because they were born poor or born on the wrong side of the tracks, so to speak, or maybe the wrong color—whatever. Every child ought to have that opportunity.

I thank the Senator for so eloquently putting it forward on the Senate floor.

STEM CELL RESEARCH

Mr. HARKIN. Mr. President, I wish to pick up a little bit from Senator MURRAY's remarks and talk about S. 5, the stem cell bill, that was also introduced today by the majority leader, Senator REID.

Stem cell research, when it is stripped of all of the phony arguments and rhetoric, is basically about hope. It is hope for people with Lou Gehrig's disease. It is hope for people with spinal cord injuries, hope for kids suffering from juvenile diabetes, hope for people with Parkinson's disease.

In this Congress, we are going to bring those hopes one giant step closer to reality. At long last, hopefully, we will lift the President's restrictions on stem cell research and finally give our Nation's best scientists the tools they need to produce treatments and cures.

The bill we have introduced today, S. 5, the Stem Cell Research Enhancement Act of 2007, is the exact same bill that passed both Houses last year with strong bipartisan support. The House passed the bill 238 to 194. The Senate passed it 63 to 37.

Regrettably, the President chose to exercise his first and only veto of his administration in vetoing this bill. And with his veto, the President ignored the will of the American people, he ignored scores of Nobel laureates, he ignored top scientists at the National Institutes of Health, and with one stroke of his pen, he dashed the hopes of millions of Americans suffering from diseases that could one day be cured or treated through stem cell research.

But now we are back, it is a new Congress, and the voices of hope are stronger than ever. In November, the American people elected many new

Members of Congress who support stem cell research and replaced many former Members of Congress who opposed this research. As a result, we will pass this bill again this year, and the margins of victory will be even wider.

Let me spend a moment reviewing what S. 5 would accomplish. More than 5 years ago, the President announced in a speech that federally funded scientists could conduct research only on embryonic stem cell lines that were derived prior to 9 p.m. on August 9, 2001. The President gave his speech that evening, August 9, 2001. He said all of those stem cell lines derived before 9 p.m., that was OK, but if they were derived after 9 p.m., they could not be funded with Federal funds. I never understood that. Why was it 9 p.m.? Why wasn't it 9:15 p.m. or maybe 8:45, 9:13? Why was it 9 p.m.? At the beginning, one has to question the logic of why 9 p.m. was the time barrier.

When the President announced his policy, he said that 78 stem cell lines were eligible for research. We now know that is not so. Only 21 are eligible, not nearly enough to reflect the genetic diversity of this Nation.

What is more, every one of those lines, all 21 of those lines are contaminated with mouse cells. They were grown on mouse cells, so they are all contaminated. So none of them will ever be used for any kind of human treatment.

Meanwhile, hundreds of new stem cell lines have been derived since the President's arbitrary deadline. Many of these lines are uncontaminated, they are healthy, but they are totally off limits to federally funded scientists.

That is really a shame because if we are serious about realizing the promise of stem cell research, our scientists need access to the best stem cell lines possible. We need a stem cell policy that offers true and meaningful hope. That is what S. 5 would provide.

Under this bill, federally funded researchers could study any stem cell line, regardless of the date it was derived, as long as certain strong ethical guidelines are met. I point out, again, as I have in the past and I will continue to point out, that the ethical guidelines in S. 5 are stronger than the ethical guidelines under the existing policy.

What are those guidelines?

One, no money can be exchanged. No one can ever be paid for donating embryos.

Second, these embryos can only be used for stem cell research and for nothing else.

And third, the donors have to give informed consent for them to be used.

The final point is most important. The only way a stem cell line could be eligible for this federally funded research is if it were derived from an embryo that was otherwise going to be discarded. Let me, again, say what that means.

There are more than 400,000 embryos frozen in in vitro fertilization clinics all over the country—over 400,000. Right now, the only thing that can happen to those is that they be discarded. They are thrown away every day. Every day embryos are discarded in in vitro fertilization clinics all over America. The donors have no other choice.

Take friends of mine, a young couple. They couldn't have children. They finally went to an IVF clinic. That didn't work. They went to another one. Now she is pregnant, and they are going to have twins. They may have one or two more children—I don't know—but there are going to be some of those embryos left over. Right now my friend's only choice is to have them discarded. That is her only choice. But as she said to me: I would love, after I have my children and my family, if there are embryos left over, I would love to be able to donate them for stem cell research to help cure disease and to help people who are sick.

Right now she cannot do that. Neither she nor her husband can do that. Our bill would allow them to have that option. No one is forced to do anything, but it would allow them to have that option.

I also, wish to point out again one of the misconceptions. These are embryos. They are blastocysts. They have about 100 cells. I always do this: I put a dot on a piece of paper, hold it up and say: Can anybody see that? That is what we are talking about. It is about the size of a period at the end of a sentence. There is a lot of misinformation about what we are talking about.

As I said before, Congress is going to pass this bill, that is certain. Sadly, some are already predicting the President will veto it for a second time. I hope they are wrong. I hope the President will respect the will of the people and sign the stem cell research bill. But if he does veto it, we will persist. We will use every legislative means at our disposal to make sure S. 5 is enacted into law, and it will happen during this Congress.

My nephew Kelly is one of the millions of Americans whose hopes depend on stem cell research. Kelly was in the Navy. He had a terrible accident on an aircraft carrier, and he has been basically a paraplegic now for 28 years. But he has kept his hopes alive that our scientists will be able to find a cure. Stem cell research offers the best hope for people suffering from spinal cord injuries.

Now is the time to give them the hope, to lift the ban on stem cell research. As I said, we will do that in this Congress. It will be one of the first bills we pass. I hope the President will sign it and we can move on. But if not, for Kelly and for so many millions of Americans, we hope the long wait is almost over. I predict that hope will prevail in this Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

CESAR CHAVEZ

Mr. LEAHY. Mr. President I will speak briefly. One of the things I am going to do today is join the distinguished Presiding Officer, Senator SALAZAR—in fact, I should note that this is the first time I have seen the distinguished Presiding Officer in the chair. He looks as though he was born to preside here, and he does it well. I am going to join him in introducing a bill to include Cesar Chavez among the names of the great civil rights leaders we honored in the title of last year's Voting Rights Act Reauthorization and Amendments Act of 2006.

When we were considering this legislation in the Senate Judiciary Committee, Senator SALAZAR made a compelling argument why that name, an American hero's name, should be added to the bill: because he devoted and sacrificed his life to empower the most vulnerable in America, as did Fannie Lou Hamer, Rosa Parks, and Coretta Scott King.

Cesar Chavez's name should be added to the law as an important recognition of the broad landscape of political inclusion made possible by the Voting Rights Act. This bill would not alter the act's vital remedies to address continuing discrimination in voting, but rather it is overdue recognition of the importance of the Voting Rights Act to Hispanic-Americans.

I offered Senator SALAZAR's amendment in the Judiciary Committee. The moral weight of what he wanted to do was so compelling that in a committee often fractured, it passed unanimously. It was included. It was not included in the final bill because as we were nearing the ending time, we did not want to have to have the bill go back and forth to the other body again because we wanted to get it on the President's desk in time. I committed to the distinguished Senator from Colorado that I would join him again this year, and I say with virtual certainty that the Senate Judiciary Committee will move very rapidly with that issue this year. I have the commitment of the new chairman backing that up, as does he have mine. And so I urge the Senate to quickly take up and pass this measure as we convene the new Congress and commit ourselves once again to ensuring that the great promises of the 14th and 15th Amendments are kept for all Americans.

COMPREHENSIVE IMMIGRATION REFORM

Mr. President, as this new Congress begins, we have a tremendous opportunity before us to enact fair, comprehensive immigration reform. It is time for bipartisan action. So I join with Senators from both sides of the aisle to call for comprehensive immigration reform, and I will work to

enact it. We have to put aside the mean-spiritedness and shortsighted policies driven by fear and recognize the dignity of those whose work contributes to reinvigorating America. Consistent with our heritage as a nation of immigrants, we need to bring people out of the shadows. My maternal grandparents were immigrants to this country. My wife's parents came as immigrants to this country. We are a nation of immigrants. And those of us who are here now should not think that somehow we got here differently, and that we should close the doors to the rest. That is not the American way.

Through comprehensive immigration reform, we can increase the opportunities for American businesses to obtain the workers they need while ensuring that priority is given to willing workers already in this country, from dairy farms in Vermont to multinational corporations. We have been told of the plight of the American farmers from New York to California. We have seen the pictures of the piles of rotting fruit that have gone unharvested. We hear American technology companies lamenting lost opportunities and the loss of skilled innovators to other countries. Dairy farmers are yearning for more available legal workers in my own State of Vermont. But worse yet, others have watched families in their employ be torn apart through piecemeal, inconsistent, sometimes heavy-handed enforcement efforts. I have met some of those families. I have talked to people who were fifth, sixth, seventh generation Vermonters who say how unfair it is to see these good families torn apart by seemingly arbitrary immigration enforcement efforts. No American farmer, no business, should be put in the position of having to choose between obeying the law or losing their livelihood.

Where American workers can fill available jobs, of course they should be given priority. But where these jobs are available but unclaimed by American citizens, it makes no sense to deny willing foreign workers the opportunity to work. We can strike a balance if we work together.

We must streamline and reform our visa system for low-skilled workers so we can help reduce the crippling backlogs that affect American businesses. And we must increase the number of low-skilled work visas issued each year to keep up with the needs of our economy. We should enact stronger, consistent employer verification procedures. We should impose penalties for those employers who flout the law and exploit those who have no voice. We can do this by working together and enacting comprehensive reform.

Through comprehensive and smart reforms we can increase our security. Let us work to focus enforcement efforts and protect our citizens from those who seek to do us harm. Let us put an end to the enforcement conditions that end in too many needless deaths in the deserts of the Southwest, families—spouses and children—who die needlessly trying to seek the promise of America. We also have to take a smart approach in dealing with the millions of people already here, one that does not divide families and make instant criminals out of millions of people but rather honors our Nation's best traditions. When we enact reforms to bring the millions of undocumented people of this country out of the shadows, greater accountability will follow. When we provide incentives for undocumented people to enter a path to citizenship, we will encourage them to live up to our traditions of citizenship and civic responsibility. When we endow those who seek to better their lives and the lives of their families with the tools to do so legally, we help instill in them a sense of belonging, of patriotism, of opportunity. Those who decry this aspect of immigration reform must carefully consider the alternative path. By driving more people underground, we foster a culture of lawlessness and mistrust.

We can't wall ourselves off from the world. A 700-mile fence on a 2,000-mile border is not the answer. Last fall, the Republican Congress rushed through a bill to build 700 miles of fencing and did so against the advice of the Department of Homeland Security. That fence bill was neither fair nor comprehensive. I share the disappointment of tens of millions of Americans who had hoped President Bush would have exercised his constitutional authority to veto that costly, cobbled-together and mean-spirited law. Instead, the President seemed to have abandoned his principles in signing the Secure Fence Act: legislation that will cost between $2 billion and $9 billion and fail to perform as advertised to seal our southern border. Scarring our southwestern landscape with a symbol of fear, pandering, and intolerance offends the great heritage of our Nation by sending the wrong message to our neighbors and to the world about American values. It was a pricey bumper sticker law passed to curry favor in certain quarters before the elections. Instead, by focusing on technology, innovation, and personnel rather than partisan politics and divisive walls, we can do a better job of securing our border.

The President has said many times that in order for the United States to achieve real security, we must have comprehensive immigration reform which must include a realistic solution to bring out of the shadows the millions of undocumented immigrants in this country and at the same time meet the pressing needs of employers who are looking for willing workers. In numerous statements, including a speech in Mission, TX, in August 2006, he recognized that without all components of comprehensive reform working together, immigration reform will not work.

So I will continue working to enact legislation to secure our borders and strengthen our economy and bring about a realistic solution for the millions of people who want to work and live legally in our country. I will continue to support fair and comprehensive immigration reform that will respect the dignity of those who seek to join mainstream American society and better their lives in the United States. Let's hope that common sense and bipartisanship will prevail and that the promises of America, those promises of America that encouraged my grandparents to come to this country and my wife's parents to come to this country, are still there. Let us not enact laws that are beneath the dignity of a great and noble and welcoming Nation. Let us pass legislation that reflects what is the best of America and reflects the America that is a diverse country made up of people of diverse backgrounds. We will be stronger and better for it.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, before the Senator from Vermont leaves the floor, let me commend him for his remarks and the passion he brings to this subject which is based on his own personal experience but which reflects the experience, I believe, of the vast majority of Americans. I just want to tell him how much we all look forward to his leadership on this and so many other issues.

Mr. LEAHY. Mr. President, might I thank the distinguished senior Senator from Michigan. He and I have been dear friends for years and years. I thank him for those words. I am also happy to see the gavel of the Armed Services Committee go into his hands.

Mr. LEVIN. I thank my dear friend from Vermont. I join him also in telling the Senate just how pleased we are to see the Presiding Officer sitting where he is. We have worked together on many issues. We have traveled together. His commitment to such critical issues as immigration, environment, energy, and a number of other issues has made a real difference. He is a very quick study and a quick learner, as noted when we traveled together to Iraq and other countries. So he indeed fits the chair which he is sitting, and it is a pleasure to look at him as I address the Senate for a few minutes this afternoon.

REBUILDING AMERICA'S MILITARY ACT OF 2007

Mr. President, I join our majority leader, Senator REID, in introducing S. 8, the Rebuilding America's Military Act of 2007. Every Member of the Senate, every Democrat, every Republican, strongly supports our men and women in uniform and is committed to providing them with the training, equipment, and support they need and deserve. I commend Senator HARRY REID

for recognizing that much needs to be done in this regard and that we need to commit ourselves to doing what needs to be done.

As the situation in Iraq has grown steadily worse over the last 3 years, our military commitments in that country have placed an increasing strain on our Armed Forces. For example, delays in ordering body armor and other protective equipment have left some of our troops vulnerable in combat. Failures to fully fund special replacement and repair of equipment that has been damaged and destroyed in the course of ongoing operations endangers our troops. The decision to send our best and most ready equipment to Iraq has left the military's nondeployed ground forces with a declining and dangerously low level of readiness to meet their wartime missions. For example, at least two-thirds of the Army units in the United States are rated as not ready to deploy. That is a totally unacceptable situation relative to the readiness of our forces. The repeated deployments and a sustained high operational tempo have placed increasing strains on members of the Armed Forces and their families.

It is my hope that we will change course in Iraq for many reasons, but one of them surely is that such a change will help address many of the problems that I have identified here in these few minutes. Placing the responsibility for the future of Iraq in the hands of the Iraqis and beginning a phased withdrawal of our troops from that country in the next 4 to 6 months would be an important step toward turning responsibility for the future of Iraq over to the Iraqis, but also a critically needed step toward rebuilding our own military. We must act to ensure that our troops have the training, equipment, and support they need to remain the strongest and best military force in the world.

Senator REID's S. 8, Senate bill 8, the Rebuilding America's Military Act of 2007, commits us to taking such action. I am confident that we can do so on a bipartisan basis, and I look forward to proceeding in that manner as the weeks and months unfold.

I again thank the Chair. I again commend him for the way in which he has proceeded as a Senator in so many ways and for his friendship.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S.J. Res. 1 are located in today's RECORD under ''Statements on Introduced bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask each side, the Democratic and Republican sides, be given an additional 10 minutes to speak in this period. I will take the first 5 minutes of that, and then my colleague from California, Senator BOXER, will take the second 5 minutes of the Democratic time remaining for us.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ENERGY AND ENVIRONMENT SECURITY ACT OF 2007

Mr. BINGAMAN. Mr. President, I am pleased to cosponsor S. 6, which is the National Energy and Environment Security Act of 2007. This is a message bill that Senator REID introduced earlier today. It lays out a number of important goals that will guide our thinking and action on energy-related matters, including the issue of global warming, in the 110th Congress.

Let me talk briefly about five key goals that are mentioned in the bill. These goals will be subject to much more detailed discussion in future weeks and to action both in the Energy Committee and, for some issues, in the Environment Committee as well.

The first goal of the bill is to reduce our dependence on foreign and unsustainable energy sources. Any national energy strategy to reduce that dependence will have to maintain our domestic production of oil and gas as well as undertake three basic initiatives. The first of those initiatives is to greatly increase the efficiency of the cars and trucks that we put on the road in this country. There are a lot of ideas on how to do this. They include several proposals for increased CAFE standards as well as so-called ''feebate'' standards that send signals to the market to encourage the production and sale of high efficiency vehicles. I look forward to working with my colleagues on both sides of the aisle to try to move these proposals forward.

Another way to reduce our dependence is to further develop alternative fuels, particularly biofuels. In that regard we need to focus on broadening the base of biological feedstocks that are used to make fuels such as ethanol. This is an issue we will be focusing on in the Energy Committee.

A third way is to look at the other new technologies to power our cars and our trucks. There is much promise in hybrid vehicles with larger batteries that can be charged overnight, so-called plug-in hybrids. This sort of technology can help reduce demand for gasoline for short trips and deserves further attention.

The second goal in the bill is to reduce our exposure to the risks of global warming. While there are several Senate committees with great interest in this issue, obviously the Environment Committee has a primary role and the primary jurisdiction. But over 95 percent of the U.S. carbon dioxide emissions and nearly 85 percent of all U.S. greenhouse gas emissions come from energy production, distribution, and use. We want to work with other committees to find the best way to deal with this important issue and to balance environmental imperatives with the need for reliable and affordable energy into the future.

The third goal in the bill is to diversify and expand our use of secure, efficient, and environmentally friendly energy supplies and technologies. Efficiency is a key element in our energy policy. It deserves more attention in this Congress than we have been able to give it before. There are outstanding opportunities to reduce the demands of our future energy system by being more efficient and effective in the ways we distribute and use energy.

As one example, most incandescent light bulbs are only 5 percent efficient, so they waste 95 percent of the energy that goes into them. Fluorescent lighting is only 20 percent efficient. There is no fundamental scientific reason why lighting has to waste so much energy. New technologies are on the horizon that could reach close to 100 percent efficiency. Even if we were to make all lighting in the United States just 50 percent efficient, we would eliminate the need for the equivalent of 70 1000-megawatt nuclear power plants. Examples like this present a compelling case for pushing energy efficiency, and I expect that we will have a strong focus on these opportunities in this Congress.

A fourth goal of the bill is to reduce the burdens on consumers of rising energy prices. We need to make sure that programs such as the Low-Income Home Energy Assistance Program are fully funded and targeted at low-income and working families.

The fifth goal in the bill is to eliminate unnecessary tax giveaways and prevent energy price gouging and manipulation. We need to take a broad look at the incentives we have in place for energy production on both the tax side and the royalty side, to ensure that we have the most effective mix of incentives going forward. We are all agreed that those are issues that need attention.

The United States has one of the most favorable set of fiscal policies for production of oil and gas in the world today. Some of those fiscal incentives may be redundant at the price levels we are currently seeing. There are big problems in the royalty system being managed by the Department of the Interior, with some companies getting royalty treatment that Congress never intended them to receive. We will be looking at these issues closely in this new Congress. We will be examining how to rebalance the system, both from the perspective of having fair and effective royalty and tax policies for oil and gas and from the perspective of having effective tax and other incentives to promote other forms of energy,

such as production of electricity from wind solar, geothermal, and renewable sources.

All of this is a tall order for Congress. I predict instead of seeing just one big energy bill, we will be addressing these issues through multiple bills that move through the Senate as issues and proposals for addressing these issues become ripe for action. In the Senate we will not make much progress on energy or environment unless we can develop a strong bipartisan approach on the issues. The Committee on Energy and Natural Resources has a strong tradition of bipartisan accomplishment that I plan on continuing in this new Congress. I look forward to working with my colleague, Senator PETE DOMENICI, and all members of the committee as we forge an effective path forward to promote our energy and energy-related environmental security.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, it is wonderful to see you sitting there and to tell you, as I know you will be very pleased with this news, that S. 6, which has been introduced by Leader REID, is called the National Energy and Environmental Security Act of 2007. That means Senator REID is sending a signal to all of us here, both sides of the aisle, that we are going to put the environmental issue back front and center and we are going to put the energy issue front and center and we are going to do everything we can do to become energy independent and to preserve this planet for future generations.

This is a very emotional day for me in a very good way because I am assuming the Chair of the Environment and Public Works Committee, which is a dream come true for me. Since I started my career, the environment has always been one of my signature issues. In California it is a bipartisan signature issue. We all work together, Republicans and Democrats and Independents, because we understand that the health of our planet and the health of our families is very important. America has always taken the lead. Somehow, recently, we have lost our way.

Oftentimes when I speak about the environment, people are stunned to see that, indeed, Republican Presidents have taken the lead on the environment. Dwight Eisenhower set aside the area that is now part of the Arctic National Wildlife Refuge and said we should not destroy this beautiful part of the world. Richard Nixon created the Environmental Protection Agency, and then you look at Jimmy Carter who I believe created Superfund. Presidents of both parties worked with Congress to write the Clean Air Act, the Safe Drinking Water Act—it has been, I think, a backpedaling of environmental laws and regulations that has undermined the bipartisan issue of the environment.

I have three goals for this committee. No. 1 is to protect this planet. I think that is our moral obligation. I view it as a spiritual obligation. No. 2 is to protect the health of our families, the health of our children. I view that as a moral obligation and a spiritual obligation. My third goal for the committee is to bring back bipartisanship. We have had, in this great committee, great leaders from both parties. Already I have begun reaching out to Republican friends. Of course we know there will be disagreements. But I can tell you, and I want to reassure the American people, that we are working together. Today I had an open house at the committee room and in walked my Democratic colleagues and my Republican colleagues. My former chairman, JAMES INHOFE, was the first Senator to come by and we had a series of Senators come by—Senator ISAKSON, Senator OBAMA, Senator LAUTENBERG, Senator ALEXANDER, Senator VITTER, and Senator WARNER. It was a wonderful experience for me to sit there and see that in fact we are getting off on the right foot.

I cannot tell you how good I feel about S. 6 because it lays down a marker and it says we have to do something about energy efficiency and we have to do something about global warming. If we do not act on global warming, our children and our grandchildren will wonder why we walked away from them. How could we have walked away from them? We do not want to walk away from them. I don't know any Member of this Senate who would knowingly walk away from their future family. Scientists are telling us we need to take action soon in order to avoid dangerous global warming. If we fail to act, we could reach the tipping point with irreversible consequences.

I say to my colleagues on both sides of the aisle, today I believe we have no choice but to act to slow global warming. We should look at our actions as an insurance policy. Yes, scientists will disagree. Some will say horrific things will happen. Some will say bad things will happen. I don't know of any respected scientist who thinks nothing will happen. But for bad things or horrific things, we need an insurance policy. We need to be conservative. We need to do the most we can do so we protect those future generations so when they look back at us, they will say: They stepped up and did the right thing.

It is hard to persuade people to act when the consequences of inaction lie down the road. But we are smart enough, we are wise enough to do something about global warming.

Here is the good news. Whatever we do about global warming, to reduce greenhouse gases, has a beneficial effect on our society. That is why it is something I think we can wrap our arms around. When we do something for energy efficiency, to cut back on the carbon dioxide, what does it mean? It means we save money in our pockets, if we drive fuel-efficient automobiles, alternative fuel vehicles, hybrid vehicles, cellulosic fuel vehicles. It helps us keep money in our pockets. It says we don't have to rely on foreign countries. So that makes eminent good sense. It means we will be developing technologies that we can export to the rest of the world.

Today, as the incoming Chair of the Environment and Public Works Committee, I am embarrassed to say to the people of the United States that of the 56 emitters of greenhouse gases in the order of what they have done to help solve the problem, we are 53 out of 56. Only a few countries have done less than we have done and those countries are China, Malaysia, and Saudi Arabia. I am embarrassed to stand here and say that to the American people, but I must speak the truth to the American people. We are the No. 1 emitter of greenhouse gases and we are 53rd out of 56 countries in doing something about it.

All this is going to change. I think it is going to change because the people want us to change. The people want us to lead.

I look around and see, for example, Wal-Mart—Wal-Mart, with whom I have disagreed on so many labor issues I can't even start to tell you the story about that, but here is what they are doing. They want to sell millions and millions of energy-efficient lightbulbs. These lightbulbs will save so much energy, these lightbulbs will save the consumer so much money, and I am very pleased to see that business is stepping up to the plate.

I am also pleased to see the State of California passing landmark legislation to fight global warming—my State—and doing it on such a bipartisan basis. This is very exciting for me.

We have a great bill that will be introduced by the Senator from Vermont, Mr. SANDERS. That will be the same bill written by former Senator JEFFORDS, a great leader on the Committee on Environment and Public Works, before retirement. I have to try to fill his shoes. This great bill is modeled after the California bill and will tackle this issue in a way which will be good for the environment, good for the health of our families, good for foreign policy, and good for the export of new technologies, meaning more jobs here. We can do this. We can reduce costs for consumers, for businesses.

Energy efficiency is the name of the game. It is the easiest way to get more energy.

Everyone who knows me knows I want to pass the greatest bill in the history of mankind to fight global

warming. Everyone knows I want to do that. Everyone knows I want us to go as far as we can go. I am an idealist when it comes to this, but I am also a pragmatist. So we will work our colleagues in the Senate, both sides of the aisle, Republicans, Independents, and Democrats. We will open the committee to all the Senators. We will listen to their ideas. We will listen to their views. We will take the best of those ideas, we will sit down, and we will work hard and get a bill. That day will come in the near future. At that time, the faith the people have placed in Congress, once again, that faith will be restored. Some of it was lost because in many ways we took our eye off of what we had to do.

When people ask me, What is it like in the Congress, what do you like to do in the Congress, I say, Let's face it, the easiest thing is to do nothing. When you do something, somebody gets nervous about it, but when we have an issue such as global warming, which is a national security threat—and the Pentagon has told us it is a national security threat because if waters rise and there are refugees all over the world, the instability that will follow will be absolutely enormous; it will create a trend. There are predictions that if we have bad global warming, we will have weather extremes with droughts and floods and all the problems we have been getting a little look at through the lens of the last couple of years.

Fate has thrown us together, I say to my friends on the other side of the aisle. You never know when you will be born or whom you will come to know. I have gotten to know the Senator presiding. I am fortunate to have friends on both sides of the aisle. I am fortunate to have the State that has as its core value protecting God's green Earth and this planet. I am going to bring all that enthusiasm to the committee. I am going to be patient. We are going to listen. We are going to write a bill and bring it here.

I say to Majority Leader REID, it means so much to me to have as one of the top bills a bill that uses the word ''environment'' in the title. I cannot state how long I have been waiting for that. We have it in S. 6. It is called the National Energy and Environment Security Act of 2007. It is an apt name because when we take care of the environment, we are taking care of our own security and the health of our families.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGENDA FOR COLORADO

Mr. ALLARD. Mr. President, today we start the 110th Congress of the United States. We embark on a 2-year journey to submit, consider, debate, improve, and eventually pass legislation on behalf of the greater good of our constituents and the American people. Accordingly, I have here today a package of legislative proposals which I believe will benefit Colorado and the country. This package is the first chapter of what I hope becomes a legislative agenda for Colorado and the Nation. These 15 bills address matters from healthcare to housing, land usage to veterans, and Homeland Security to drug trafficking prevention.

These bills are:

The Methamphetamine Trafficking Enforcement Act of 2007;

the Medicare Cost Contract Extension and Refinement Act of 2007;

the Mark-to-Market Extension Act of 2007;

the National Domestic Preparedness Consortium Expansion Act of 2007;

the National Trails System Willing Seller Act of 2007;

the Pikes Peak Regional Veteran's Cemetery Act of 2007;

the Pinon Canyon Expansion Citizen's Input Act of 2007;

the Arkansas Valley Conduit Act;

the Increase Computer Efficiency Study Act of 2007;

the Mesa Verde National Park Boundary Expansion Act of 2007;

the Baca National Wildlife Refuge Purpose Act;

the Cache la Poudre River National Heritage Area Technical Amendments Act of 2007;

the Satellite and Cable Access Act of 2007;

the Granada Relocation Center National Historic Site Act of 2007;

and a Ronald Reagan U.S. Capitol Artistic Tribute Resolution.

Mr. President, this agenda of 15 bills represents many hours of work with Colorado citizens, officials, interested parties, and stakeholders. It is a set of fairly controversy-free proposals that will solve problems and offer solutions.

I intend to return to this floor with a second round of legislative proposals, proposals that I am now working on with colleagues, State officials, and Colorado stakeholders. Other measures I plan to address this session include Good Samaritan mine cleanups, bark beetle eradication legislation, Rocky Mt. National Park Wilderness, National ID theft/Social Security number protection, renewable energy tax credits, reverse mortgages, the need for public health veterinarians, oil shale royalties, and manufactured housing reform.

I look forward to working with my colleagues on getting these bills through the legislative process and being able to tell Coloradans that we in Washington are engaged on their behalf.

(The remarks of Mr. ALLARD pertaining to the submission of S. Con. Res. 1 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

(The remarks of Mr. ALLARD pertaining to the introduction of S. 124, S. 125, S. 126, S. 127, S. 128, S. 129, S. 130, S. 131, S. 132, S. 134, S. 135, S. 136, S. 168, and S. 169 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

A NEW BEGINNING

Mr. SALAZAR. Mr. President, first let me congratulate the Presiding Officer for having assumed that position today for the first time. This Senator has a long-time admiration for the Senator from Illinois, for the great work he has done, and for his contributions to this body.

Let me also say that I come here today to congratulate both our majority leader, Senator REID, for his leadership, and Senator MCCONNELL for his leadership as the minority leader, and for them having brought the Members of this body together to start a new beginning, which is based on a sense that we as America will do better by working together, and that the politics of division of the past are politics that we will be able to transcend and move forward with a positive and strong agenda that will make our country and the world a stronger and safer place.

I also congratulate Senator REID and the leadership for the 10 bills introduced here today. I believe those bills create a good framework for issues that urgently need to be addressed by the Congress and by this President. I am hopeful that in the days and weeks and months ahead we will, in fact, be the kind of Senate and Congress that gets results on these important initiatives.

I don't want to comment on all 10 pieces of legislation today, but I will make reference to a couple of them. First, with respect to energy, I think all of us in this body recognize that it is time for us to embrace a true ethic of energy independence. For a long time, we have given rhetoric to the issue of energy and our overdependence on oil from the Middle East and other places. I think today Republicans and Democrats, conservatives and progressives, have come together to say we know what the answer is to this. It is

not as difficult as other areas we have to deal with, such as health care. The national renewable energy lab in my home State will tell us all if we put our minds together, we can produce 30 to 40 percent of our energy from renewable energy sources. We can use the new technologies that are out there to get to energy independence.

The only thing lacking, really, has been the will of the leadership of America to move forward to get us to that energy independence. In my view, it is important that we do so, first, because our national security is dependent upon our being energy independent. We ought not to be in a position where the national sovereignty and security of this Nation is held hostage to the whims of the Middle East and those who happen to have oil wealth under their sands.

Secondly, it is important for the economic security of our country that we move forward with energy independence. As we move forward, we will find economic opportunity, including economic opportunity for rural America, to help us grow our way to energy independence.

Finally, we will be able to deal with the environmental security issues that are very much at stake in this energy debate.

I want to comment on the importance of education and the College Affordability Act, which has been presented today by Senator REID. For many of us who know the promise of America, we know that promise of America has come about through the educational opportunities we receive. For many of us in this Chamber, including Senator MURRAY, who spoke a few minutes ago—she talked about the promise of America delivered through the educational opportunities which she had. Even though she was one of seven children and had a father who had multiple sclerosis, she achieved the highest level of the American dream because that educational opportunity was given to her. I and others have gone through similar circumstances. In my own case, in Colorado, my father and mother never had an opportunity to get a college degree. We were poor, raised in a place that didn't have electricity and a telephone. Yet the promise of America and the promise of education was something that was constantly talked about to us by our parents. I often remember my father going around the table at our ranch and making sure all eight of his children were doing their homework because he knew that education would allow them to seek horizons and get to places he had not been able to reach. Over time, all eight of his children became first-generation college graduates.

Today, I stand here as a Senator from that family, born in that place. Without education, I would not be here, and those in my family would not have had the opportunities they have had. It has been the leaders in the Senate, including people such as former Senator Claiborne Pell from Rhode Island, who stood for the proposition that that educational opportunity should be afforded to all Americans, no matter what your background, no matter your economic condition; that you should be allowed to have an educational opportunity in America, because there was a recognition that with educational opportunity, anything is possible for a child in America.

So that piece of legislation Senator REID introduced today is something I hope we can embrace electively as a Senate moving forward in a comprehensive way.

Finally, let me make a quick remark on the issue of immigration reform. We spent a lot of time on immigration here in the Senate. A few months ago, we were successful in passing a bipartisan compromise to move forward. I am hopeful that as we look at the months ahead, we will be able to work with President Bush and our Democratic and Republican colleagues to fashion a comprehensive immigration reform package that will deliver an effective immigration law for our country.

In my view, that immigration reform package has to have three principles at its center. First, we have to secure our borders. I believe the legislation introduced today will, in fact, help us make sure our borders are secure. We as a sovereign Nation have to make sure we are securing our borders.

Secondly, we need to enforce our laws within our country. For far too long we have looked the other way and the laws of immigration in our country simply have not been enforced. The measure we passed last year put together the pieces to allow us to enforce our immigration laws.

Finally, from both a human and a moral and economic perspective, we need to find ways of bringing the 12 million people who now live in the shadows of America out into the sunlight of America. Those people are here working today, as they have been for many years. Their reality has in fact been recognized but somehow ignored. We need to find a way to make sure that we bring those people from the shadows into the sunlight, and the only way we will be able to do that is with a comprehensive immigration reform package that we pushed forward last year and, hopefully, we will have another opportunity to push forward in the manner of the bill introduced today by Senator REID.

I very much look forward to working with my colleagues, both Democrats and Republicans, in this body as we address the major issues facing our Nation and our world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

MILITARY CONSTRUCTION APPROPRIATIONS

Mr. INHOFE. Mr. President, I have a couple of concerns here. One is a driving concern. After having served on the House Armed Services Committee before and for the last 12 years on the Senate Armed Services Committee, I am deeply distressed that we did not get our MilCon Appropriations bill passed. I don't think a lot of people realize how significant it is that we get it passed for this fiscal year, 2007.

The partisan issues that some people are trying to tie up on the floor are nowhere near as important as this issue, and I am talking about some of the other bills. It is true that we need to have the DC appropriations bill, but it is not life-threatening and certainly not going to result in the loss of lives of our fighting troops. Labor-HHS is important but not as important as this bill. Commerce-State-Justice—a lot of those items can be put into a CR. I would have no problem with a continuing resolution. But as far as this bill is concerned, if we don't do it now, there are a lot of items in conjunction with our BRAC process that are not going to happen and have to happen and are life-threatening to our troops.

I compliment Senator HUTCHISON, who was chairman of the Subcommittee on Military Construction. She tried so hard in the last 2 days of the last session to get this bill through. Quite frankly, it wasn't really a problem in the Senate as much as it was in the other body. We tried very hard. We talked with a number of people and were unable to get that bill done.

Over the past few years, the military has sought to reshape itself out of a Cold War footing into a modern, more modular force. It has tried to reconstitute its equipment, while at the same time fighting a war in Iraq and Afghanistan. It has been forced to come to Congress for supplementals to meet just the bare minimum requirements of fighting the war and rebuilding the military as is so necessary.

So we have stretched them every way we can. We have cut into almost every program, essential initiatives such as the Future Combat System. That is a recognition, after the 1990s, when we let our modernization slide and a lot of our military needs, to bring us up so that when we send our kids into battle, we send them with the very best of equipment. If we look at some of our ground equipment, such as our artillery pieces, it is World War II technology. It is the old Paladin where

they actually have to swab the breech after every shot.

The Future Combat System came up, and there was a recognition that we should have an army, a ground force that is faster, more agile, more transportable, more modern than it is today. Every week that goes by that we don't get this done, it is causing the Future Combat System—there are about 19 elements of it—to move to the right and delay this from taking place.

The fiscal year 2007 Military Construction appropriations bill was not passed into law. The continuing resolution, as currently enacted, does not allow the Department of Defense to proceed with over $17 billion in new construction and BRAC projects authorized by Congress in the 2007 authorization bill.

Let me mention what will happen if we don't do this. There are so many things having to do with the BRAC process. I opposed the last BRAC round. We went ahead and had it, and I think that is probably the last we will have for a long period of time. It has a deadline of 2011. If we don't get this bill passed—by the way, I have introduced S. 113. We have a number of cosponsors. Most of the Republican members of the Senate Armed Services Committee are on it.

The 1st Armored Division will have to stay in Germany if we don't get this passed. If that happens, we are not going to be able to have the two modular combat brigade teams we so critically need on the front lines. We are talking about the war that is taking place right now and why we need to get this MILCON appropriations bill passed.

The Army National Guard and Reserve lack $1.1 billion to construct and replace aviation support facilities. They cannot function without these facilities. The postponement of construction of 250 new homes at the naval base in Guam and the Marine Corps logistics base in Barstow, CA, are just some of the housing needs that will not be able to be continued. Of course, they will cost more money the longer we put them off.

We opened up some serious shortfalls in our UHF—that is, ultra high frequency—satellite communications capabilities. Two of the $6.5 million mobile user objective systems ground control tracking stations were slated for Hawaii and Sigonella, Italy. Without the stations, the already-funded satellites—we have the satellites ready to go—cannot launch until we get this bill passed.

We went through months of agonizing discomfort in deciding what are we going to do with the F–22, C–17, C–5, C–9, and C–40 in terms of the new locations. That has all been determined. It has been outlined in BRAC, but we can't do it until we have the hangars to take care of them, to get them into the new areas.

What we are talking about are items that directly affect the warfighting effort. The Predator, for example, has the tactical air control program that should be supporting the Army brigade combat teams.

I think we all know our ground forces have to have support, either close air support or artillery support on the ground. We can't do the close air support if we don't have the appropriations bill passed.

The Predator mission—a lot of people are not aware of this; they think of it as being intelligence-gathering agencies and a communications system targeting and retargeting on the ground. While that is very important and it has to be done, a lot of people don't realize the Predator also has the capability of firing a rocket. So we need to have that program. We cannot have it unless we get this bill passed.

The military is going to lose a lot if we don't get this bill passed. When we look at the military construction that is going on in the continental United States and we see the community support—in my State of Oklahoma, we have five major military installations. They are located near major cities. Vance Air Force Base is at Enid, OK. Then we have Altus, Lawton, McAlester, Oklahoma City, and Midwest City. We have always done well in our BRAC process because we have greater community support than most other installations. But when you have a community that has made a commitment toward MILCON predicated on the assumption that we are going to pass our Military Construction appropriations bill and then we don't do it, they could very well renege on their commitment for housing, hospitalization, and childcare. It is far more significant than most people realize. If we don't pass the needed funding, the results will be very serious.

I have in front of me a letter signed by Army Secretary Harvey and General Schoomaker:

> The potential negative effects on operational readiness cannot be overemphasized; the Army's ability to prosecute the Global War on Terrorism and to prepare for future conflicts would be severely hampered.

Another letter from Navy Secretary Donald Winter and Marine Corps Commandant GEN James T. Conway and ADM Michael G. Mullen:

> The lack of construction money ''is precluding our ability to provide modern, government owned or privatized quality housing to our Sailors, Marines and their families at a time when the Global War on Terror is placing enormous stress on our military and our military families.''

I am going to be looking for every opportunity to get this bill up for consideration. Again, I am concerned about all appropriations bills, and a continuing resolution, as far as I am concerned, at least is going to take care of those needs. But the one thing it cannot do is take care of the military construction needs we will have to address.

That bill is S. 113. I look forward to it coming up for consideration. We already have, as I mentioned, most members of the Armed Services Committee cosponsoring this legislation.

POLAR BEARS

Mr. INHOFE. Mr. President, I do not see anyone else in the Chamber right now. I wish to speak on a totally different subject.

Up until I guess today, turnover day, as the Presiding Officer knows, I have chaired the Environment and Public Works Committee for 4 years. I have enjoyed that very much. I will be turning that over now to Senator BARBARA BOXER. We will still be working very closely together.

One thing that happened a few days ago that I think is worth getting on the record and talking about a little bit, because this is something which is going to come up in our discussions in that committee, is, as you probably noticed, Mr. President, the U.S. Fish and Wildlife Service recently took some action to begin formal consideration of whether to list the polar bear as a threatened species under the Endangered Species Act. Over the next year, they are going to be working on this issue, making a determination as to whether the listing should take place. So right now we are starting that 1-year period.

The question the Service has to answer is this: Is there clear scientific evidence that the current worldwide polar bear population is in trouble and facing possible extinction in the foreseeable future? As the Service reviews the issue over the next year, I am confident they will conclude, as I have, that listing the polar bear is unwarranted at this time.

In the proposal, the Fish and Wildlife Service acknowledges that for 7 of the 19 worldwide polar bear populations—this is very significant. There are 19 populations worldwide for the polar bear. For seven of those populations, the Service has no population trend data of any kind. For more than a third of the known populations out there, we don't have any information. The other data suggests that for an additional five polar bear populations, the number of bears is not declining but is stable. Two more of the bear populations showed a reduced number in the past due to overhunting, but these two populations are now increasing because of new hunting restrictions.

Other sources of data mentioned in a recent Wall Street Journal piece—just this past Tuesday—suggest that ''there are more polar bears in the world now than there were 40 years ago.'' I have to say there are quite a few more, almost twice the number from 40 years ago.

The Service estimates that the polar bear population is 20,000 to 25,000 bears, whereas in the fifties and sixties, the estimates were as low as 5,000 to 10,000 bears, and most of that was due to sport hunting at that time, and most of that has been banned.

A 2002 U.S. Geological Survey study of wildlife in the Arctic Refuge Coastal Plain noted that the polar bear populations ''may now be near historic highs.''

So if the number of polar bears does not appear to be in decline, then why are we considering listing the species as threatened? Because the Endangered Species Act is broken. It needs to be fixed. We tried to fix it for the past 4 years. We have been unable to reach a consensus.

The ESA allows the Fish and Wildlife Service to list the entire range of polar bears as threatened and thereby extend a wide array of regulatory restrictions to them and their habitat despite the dearth of data and a lack of scientific evidence that polar bears are, indeed, in trouble.

The law also allows for the Fish and Wildlife Service to justify its proposal on a sample from a single population in western Hudson Bay in Canada where the populations have decreased by 259 polar bears in the last 17 years. Stop and think about this. This is the western Hudson Bay in Canada, 1 of 19 sites. This is the one which is the most severe.

The population has decreased by 259 polar bears in the last 17 years; however, the figures that the International Union of Conservation of Nature and Natural Resources says that 234 bears have been killed in the last 5 years alone. If you figure that 234 have been killed in the last 5 years, the total in the last 17 years is 259, you have to assume that more than the 259 were actually shot. Ironically, Canada now is liberalizing a lot of their hunting in that area, and it is going to allow more hunting. This is something they need to address.

At this point, I would like to say that while I support hunting as a general matter, we need to fully understand its impact on the polar bear population before we blame global warming for changes in bear population. I already said we can document pretty well—scientifically it is documented—that the number of bears has actually increased except in areas where hunting is more prevalent.

I think there are a lot of people who want to somehow insert global warming as a crisis in everything and use polar bears for that reason, and we are not going to let that take place.

The Fish and Wildlife Service asserts that the reason for the decline in the western Hudson Bay population is climate change-induced ice melting. To make that assertion, they rely on hypothetical climate change computer models showing massive loss of ice and irreparable damages in the polar bear's habitat. The Service then extrapolates that reasoning to the other 18 populations of polar bears. There are 19 populations, 1 of them is in trouble, but they use that as the model, and they take that and apply that same extrapolation to the other 18 populations of polar bears, making the assumption all bears in these populations will eventually decline and go extinct.

Again, this conclusion is not based on field data but hypothetical modeling, and that is considered perfectly acceptable scientific evidence under the Endangered Species Act.

That is why it should be changed. I don't believe our Federal conservation policy should be dictated by hypothetical computer projections because the stakes of listing a decision under ESA could be extremely high. The listing of the polar bear is no exception. The ESA is the most effective Federal tool to usurp local land use control and undermine private property rights. As landowners and businesses have known for decades, when you want to stop a development project or just about any other activity, find a species on that land to protect and things will slow down and many times they stop. It could be the bearing beetle, the Arkansas shiner, and now it could be the polar bear. This is because section 7 of the ESA requires that any project that involves the Federal Government in any way must meet the approval of the Fish and Wildlife Service before the project can move forward. The Federal Government's involvement in the project can take the form of a Federal grant, an environmental permit, a grazing allotment, a pesticide registration or land development permit or a number of other documents. The law requires that Fish and Wildlife intervene and determine if the project may affect an endangered or threatened species.

So in the case of the polar bear listing, oil and gas exploration in Alaska, which accounts for 85 percent of the State's revenue and 25 percent of the Nation's domestic oil production, is immediately called into question. Likewise, the State's shipping, highway construction or fishing activities will also be subject to Federal scrutiny under section 7.

Furthermore, because the Fish and Wildlife Service has linked the icefloe habitat concerns of polar bears to global climate change, all kinds of projects around the country could be challenged. Some would say this isn't possible or that I am exaggerating. But if you take the ESA to its logical conclusion, which is certain to be done by environmental special interest groups, any activity that allegedly affects climate change or greenhouse gas emissions, they have to be evaluated and approved by Fish and Wildlife for its effect on the icefloes on which polar bears depend. Thus, this proposal could be the ultimate assault on local land use decisionmaking and suppression of private property rights to date.

So it is important that we take the next year to gather information, to make sure it is logical science, and that our decisions are science based. Again, the Wall Street Journal of this past Wednesday—not Tuesday—has an article where they go through and document very well, very succinctly, that we are not having a problem in losing this population. In fact, it is actually growing. So I ask unanimous consent to include the Wall Street Journal editorial in its entirety.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 3, 2007]

POLAR BEAR POLITICS—USING AN ''ENDANGERED'' SPECIES TO CHANGE ENERGY POLICY.

Unless you've been hibernating for the winter, you have no doubt heard the many alarms about global warming. Now even the Bush Administration is getting into the act, at least judging from last week's decision by Interior Secretary Dirk Kempthorne to recommend that the majestic polar bear be listed as ''threatened'' under the Endangered Species Act. The closer you inspect this decision, however, the more it looks like the triumph of politics over science.

''We are concerned,'' said Mr. Kempthorne, that ''the polar bears' habitat may literally be melting'' due to warmer Arctic temperatures. However, when we called Interior spokesman Hugh Vickery for some elaboration, he was a lot less categorical, even a tad defensive. The ''endangered'' designation is based less on the actual number of bears in Alaska than on ''projections into the future,'' Mr. Vickery said, adding that these ''projection models'' are ''tricky business.''

Apparently so, because there are in fact more polar bears in the world now than there were 40 years ago, as the nearby chart shows. The main threat to polar bears in recent decades has been from hunting, with estimates as low as 5,000 to 10,000 bears in the 1950s and 1960s. But thanks to conservation efforts, and some cross-border cooperation among the U.S., Canada and Russia, the best estimate today is that the polar bear population is 20,000 to 25,000.

It also turns out that most of the alarm over the polar bear's future stems from a single, peer-reviewed study, which found that the bear population had declined by some 250, or 25 percent, in Western Hudson Bay in the last decade. But the polar bear's range is far more extensive than Hudson Bay. A 2002 U.S. Geological Survey of wildlife in the Arctic Refuge Coastal Plain concluded that the ice bear populations ''may now be near historic highs.'' One of the leading experts on the polar bear, Mitchell Taylor, the manager of wildlife resources for the Nunavut territory in Canada, has found that the Canadian polar bear population has actually creased by 25 percent—to 15,000 from 12,000 over the past decade.

Mr. Taylor tells us that in many parts of Canada, ''polar bears are very abundant and productive. In some areas, they are overly abundant. I understand that people not living in the North generally have difficulty

grasping the concept of too many polar bears, but those who live here have a pretty good grasp of what that is like.'' Those cuddly white bears are the Earth's largest land carnivores.

There is no doubt that higher temperatures threaten polar bear habitat by melting sea ice. Mr. Kempthorne also says he had little choice because the threshold for triggering a study under the Endangered Species Act is low. The Bush Administration was sued by the usual environmental suspects to make this decision, which means that Interior will now conduct a year-long review before any formal listing decision is made.

Nonetheless, the bears seem to have survived despite many other severe warming and cooling periods over the last few thousands of years. Polar bears are also protected from poaching and environmental damage by the Marine Mammal Protection Act, so there is little extra advantage to the bears themselves from an ''endangered'' classification.

All of which suggests that the real story here is a human one, namely about the politics of global warming. Once a plant or animal is listed under the Endangered Species Act, the government must also come up with an elaborate plan to protect its habitat. If the polar bear is endangered by warmer temperatures, then the environmentalist demand will be that the government do something to address that climate change. Faster than you can say Al Gore, this would lead to lawsuits and cries in Congress demanding federal mandates to reduce greenhouse gas emissions.

Think we're exaggerating? No sooner had Mr. Kempthorne announced his study than Kassie Siegel of something called the Center for Biological Diversity told the New York Times that ''even this Administration'' would not be able to ''write this proposal without acknowledging that the primary threat to polar bears is global warming and without acknowledging the science of global warming.'' Her outfit was one of those who had sued the feds in the first place over the polar bears, notwithstanding its location in the frozen tundra of Arizona. But no matter. For want of a few hundred polar bears, the entire U.S. economy could be vulnerable to judicial dictation.

With that much at stake, Mr. Kempthorne could have shown a stiffer backbone in resisting this political pressure. At the very least he now has an obligation to ensure that Interior's year-long study be based on real science and the actual polar bear population, rather than rely on computer projections. Any government decision to limit greenhouse gases deserves to be debated in the open, where the public can understand the consequences, not legislated by the back door via the Endangered Species Act.

Mr. INHOFE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized.

Mr. BUNNING. I thank the Chair.

(The remarks of Mr. BUNNING pertaining to the introduction of (S. 154 and S. 155) are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RESTORING FISCAL DISCIPLINE ACT OF 2007

Mr. CONRAD. Mr. President, on this very first day of the first session of the 110th Congress, I am proud to introduce, with Majority Leader REID, the Restoring Fiscal Discipline Act of 2007. By including this act in our top 10 legislative priorities, Democrats are sending a message. We are saying to the Nation that it is time to restore fiscal discipline in Washington.

Unfortunately, we are inheriting a fiscal mess. It is a fiscal mess of historic proportion. The head of the Government Accountability Office, General Walker, has told us:

The U.S. Government is on an imprudent and unsustainable fiscal path.

General Walker is right. General Walker is the head of the Government Accountability Office. He is the person responsible for reporting to Congress on our fiscal condition, and he is warning us of the serious course correction that is required. As General Walker has said, and as I agree, the fact is that our budget outlook is far worse than what has been claimed. The increase in debt in 2006 is far greater than the reported deficit.

It is very interesting how the media reports these things to the American people. They say to the American people that the deficit last year was $248 billion. That is true. What they do not tell the American people, what is not said, is the debt last year increased by $546 billion—almost $300 billion more than the stated deficit. This is an utterly unsustainable course. To add almost $550 billion of debt in 1 year after having done about that amount each of the last 5 years has put us on a course that is utterly unsustainable. It fundamentally threatens America's economic security.

Read the reports. Yesterday and today in the national newspapers you saw stories about the declining value of the dollar. The dollar has been in a deep slide for 3 months. There are reports of countries, one after another, announcing that they intend to diversify their investments out of dollar-denominated securities. There is a message here to all of us—a warning, a warning of America's preeminent position in the financial world being threatened. It is being threatened by a mountain of debt.

I have tried to put into visual terms how dramatically the change in debt has been in just the last few years. When this President came to office, after his last full year, the debt stood at $5.8 trillion. We do not hold him responsible for his first year because obviously he was operating under the budget of the previous administration. But look what has happened since. The debt has skyrocketed to $8.5 trillion. If the President's course is pursued, over the next 5 years the debt will rise inexorably to $11.6 trillion, and all of this at the worst possible time, before the baby boom generation retires. This is a time we should be paying down debt, not exploding debt. There is no sober or objective observer who does not recognize the fundamental threat to our economic security caused by these budget policies. We must change course.

The result of this rising debt is that increasingly we are borrowing the funds to float this boat from abroad. In 2005, our country borrowed 65 percent of all the money that was borrowed in the world by countries. Let me repeat that. In 2005, our Nation borrowed 65 percent of all the money that was borrowed by countries in the world. The second biggest borrower was Spain. They borrowed one-tenth as much.

As we look back, this is a historic time with great challenges. The question before this body and the Congress of the United States and this President will be whether we are honest with the American people about the extent of our financial problems. This is a moment of testing. Will we be honest? Will we be truthful? Will we make the tough choices that are required?

In the last 5 years, foreign holdings of our debt have doubled. In other words, it took 42 Presidents 224 years to run up $1 trillion of U.S. debt held abroad. That amount has more than doubled in just the last 5 years. This is a course that cannot be sustained. It must be changed.

I come to the floor today to offer an important measure, a measure to restore fiscal discipline, by reimposing the pay-go rule that was so effective in the 1990s at helping us get back on track after the record deficits of the 1980s.

We know that pay-go works. It was instrumental in our turning deficits into surpluses in the 1990s. The pay-go rule says simply this: If you want more tax cuts you have to pay for them. If you want new mandatory spending you have to pay for it. If you do not pay for it, you have to muster a supermajority vote on the floor of the Senate for more tax cuts or new mandatory spending to go forward.

That is a good rule, but it will not solve the problem. No one should overpromise. No one should overstate. It is going to take serious, consistent discipline on spending, on revenue, and on entitlement reform for us to truly make progress.

In the joint caucus this morning, the leadership called on all of us to set aside partisanship to make genuine progress. This is going to be an area in which we have that opportunity. We have a window of opportunity, before we get into the next election cycle, to face up to these fiscal challenges. One

part of a successful strategy is to reimpose the pay-go discipline. It is not the only thing, but it is a beginning.

In addition to reestablishing the pay-go rule, the legislation I am offering today prohibits the use of the fast-track reconciliation process for any legislation that would add to the deficit. Reconciliation is a big word; it is a fancy word. It confuses people, but it is a special process in the Senate to go around the standard rules of this body to pass legislation. It circumscribes Senators' rights. It restricts their ability to offer amendments. It sets a strict time limit on debate. The only reason those procedures were ever adopted in this body—the only reason—was to reduce budget deficits. Unfortunately, over the last 6 years those special procedures have been used to increase deficits, not to reduce deficits. That stood the whole rationale for reconciliation on its head.

It is time for us to go back to the reconciliation process that was intended and only use those extraordinary procedures for reducing deficits, not for increasing them.

(Mrs. MURRAY assumed the Chair.)

Mr. CONRAD. I note the very distinguished Member of the Senate, the Senator from the State of Washington and a member of the Senate Budget Committee, who understands full well the subject we are discussing today and the critical need for our Nation to return to a more sound fiscal course.

I offer this measure today to restore fiscal discipline. I ask my colleagues to bring their ideas to the Senate floor. You have my commitment as the incoming chairman of the Senate Budget Committee to do my level best to bring our country back. Our country needs us now. Our country needs us to be truthful and honest and to work together.

I felt, in the Senate Chamber this morning, a new spirit, a new sense of possibility—perhaps the chance that we can come together in a way that would make us all proud.

I very much hope we seize that opportunity. I look forward to working with my colleagues to achieve that result.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REINTRODUCTION OF LEGISLATION

Mr. SPECTER. Madam President, on the first day of the 110th Congress, it is an appropriate occasion to reintroduce legislation which was introduced in the 109th Congress which was not enacted. I have a number of legislative proposals to introduce today and to discuss.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 185, S. 186, and S. 187 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.''

STEM CELL RESEARCH

Mr. SPECTER. Mr. President, I strongly support legislation introduced earlier today which would permit Federal funding to be used for embryonic stem cell research. That is a subject which has been at the top of my agenda since November of 1998 when stem cells were first exposed. Within 10 days, in December 1998, the Appropriations Subcommittee on Labor, Health, Human Services and Education held the first hearing to explore the potential of embryonic stem cell research. In the intervening years the subcommittee has held some 19 hearings exploring this issue in some great detail.

The Specter-Harkin bill was passed last year, vetoed by the President, and the bill is back before the Congress this year where it may be possible to override a Presidential veto. That depends upon how much public support there is—really, how much public clamor there is—for this legislation to be enacted.

Embryonic stem cells have the potential to replace diseased cells. They are a veritable fountain of youth. They have enormous potential in Parkinson's, Alzheimer's, cancer, heart disease, and almost all of the known maladies. I don't know of any malady where they are not a potential for a cure because the cells in a person's body become diseased, and if the embryonic stem cell can replace the diseased cell, there is a potential for a cure.

There is opposition to this legislation on the ground that it would destroy life. That is factually not correct because there are some 400,000 embryos created for in vitro fertilization which are going to be destroyed. When the issue was raised about destroying a life, the subcommittee took the lead and appropriated $2 million to facilitate adoptions. There have only been about 100 adoptions in the past several years, so there is no doubt that using some of these embryonic stem cells will not destroy life because they will not be used to create life. If there were any chance they would create life, I would not consider utilizing them for medical research.

When the alternative is to throw them away or to use them, it seems to me a clear choice to utilize them to save lives and fight disease. That is the thrust of this legislation.

PRESIDENTIAL SIGNING STATEMENTS

Mr. SPECTER. Madam President, moving now to the issue of signing statements: I had introduced legislation in the 109th Congress to provide standing to the Congress to go to court when the President issues signing statements which, in effect, cherry-picked the provisions in the legislation he liked and disregarded the provisions in the legislation he disliked.

That kind of a proceeding, in my view, is unconstitutional because the Constitution says that we present a bill to the President; he either signs it or vetoes it. His veto is subject to override on a two-thirds vote. But, the President cannot pick and choose among the provisions of the act.

When we passed the PATRIOT Act, there were some provisions very carefully negotiated as to congressional oversight. No objection had been raised by the Department of Justice in our discussions as we negotiated about the bill. And then, when the President signed the bill, the President specifically said that he would not pay attention to those provisions if he felt that his Executive power would be impinged upon. If he disagreed with the provisions, he should have told us before we legislated.

Similarly, in the McCain Anti-Torture legislation, which passed the Senate 90 to 9, a compromise was struck between the White House and Senator MCCAIN. And here again, the President's signing statement seems to undermine the compromise that was struck.

I am not going to reintroduce the legislation now because we are discussing some modifications with some of my Senate colleagues, and I am going to defer for a brief period of time to see if we can get additional cosponsors.

JUDICIAL NOMINATIONS

Mr. SPECTER. Madam President, finally, a brief comment on judicial nominations. During the course of the 109th Congress, the Senate confirmed two Supreme Court Justices, Chief Justice Roberts and Justice Alito, 16 Court of Appeals judges, 35 District Court judges, and 1 Court of International Trade judge. At the close of the 109th Congress, there were 13 District Court nominees on the Executive Calendar, but were held up on a technicality.

I am pleased to say that Senator LEAHY advised me earlier today he is going to put those 13 nominees on the first executive session of the Judiciary Committee next week, so they will be confirmed. There was no objection raised to them in the last Congress, except they were tied up on a concern raised by one Senator about a nominee for the Western District of Michigan.

In the last Congress, we were also able to confirm a number of judges—

circuit judges, who have been held up for a long period of time: Priscilla Owen, pending since 2001; Janice Rogers Brown, pending since 2003; William Pryor, pending since 2003; Brett Kavanaugh, pending since 2003.

I ask unanimous consent that my full statement be printed in the RECORD at the conclusion of these extemporaneous remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDICIAL NOMINATIONS

Mr. SPECTER. Madam President, I seek recognition today, to discuss one of this body's most important responsibilities; namely, our responsibility to provide advice and consent on the President's judicial nominations.

At the outset, I would like to take a few moments to remind my colleagues of the Judiciary Committee's success during the last Congress in moving the President's judicial nominees through the confirmation process in a timely manner.

During the last Congress, the Senate confirmed 54 Article III judges, including the Chief Justice of the United States, an Associate Justice of the Supreme Court, 16 Court of Appeals judges, 35 District Court judges, and one Court of International Trade judge. The Senate could have, and I believe should have, confirmed 13 more District Court nominees before the conclusion of the last Congress. All of these qualified men and women were favorably reported by the Judiciary Committee without a single dissenting vote. Many of them are nominated to vacancies that have been deemed judicial emergencies. I hope we can promptly move to confirm all of these men and women in the new Congress. Failure to do so will continue to delay justice in courts from Pennsylvania to California. I have asked my friend and new Judiciary Committee Chairman Senator LEAHY to place these nominees on our Committee's very first executive business meeting. I am happy to report that he has agreed to do so.

I remind my colleagues that at the beginning of the last Congress judicial confirmations, particularly to the Circuit Courts, were at a virtual standstill with many nominees subject to filibusters. Much of the debate in this chamber during the first months of the 109th Congress involved whether or not to invoke the so-called ''Constitutional Option,'' whereby the rules of the Senate would be altered to allow for a vote on Circuit Court nominees. Thankfully, the Senate managed to avert a major showdown over this debate and instead confirmed highly qualified nominees to the Courts of Appeals, several of whom had been pending for many years. These included Priscilla Owen (pending since 2001); Janice Rogers Brown (pending since 2003); Bill Pryor (pending since 2003); and Brett Kavanaugh (pending since 2003).

So in the last Congress we managed to move to a vote on many long languishing nominees. We also moved expeditiously on new.nominations. It was my practice as Chairman to schedule a prompt hearing on every judicial nomination as soon as all necessary materials were received and the nominee was prepared to move forward. Once given a hearing, every nominee was placed promptly on the Committee's agenda for consideration. I believe our practice, while avoiding unnecessary delay, also ensured that each nomination was thoroughly vetted so that the Senate had the information it needed to come to a vote.

In short, the Judiciary Committee and the Senate, by following regular order, carried out our Constitutional responsibilities. As a result, the federal court vacancy rate fell to as low as 4.8% during my tenure as Chairman. This is among the lowest vacancy rates in the last 20 years. Unfortunately, in part because of our failure to confirm the 13 district court nominees late in the last Congress, the vacancy rates have increased during the fall and winter.

I cite this recent history and these statistics as examples of what can be done in this body when we work hard and put fairness ahead of partisanship. I committed myself to this principle as Chairman of the Judiciary Committee and I am hopeful we can continue to work in this vein during the 110th Congress under the Chairmanship of Senator Leahy. Working together, I believe we can avoid some of the acrimony that has poisoned the nominations process in recent years.

In fact, I want to give Senator LEAHY a good bit of credit. He worked cooperatively with us to ensure that nominees were moved during the 109th Congress. There were times when our friends across the aisle could stymie our efforts to process nominees, but Senator LEAHY worked with me to enable the Senate to carry out its constitutional responsibilities.

That is why I am troubled by recent suggestions that it is appropriate to dramatically slow the confirmation process during the last two years of a president's term. Our Constitutional duties remain, despite the fact that we are now beginning a Presidential election cycle. Past Congresses have been very productive on judicial nominations during Presidential elections cycles and we should be as well.

The record shows that the Senate has confirmed numerous nominees during the last two years of every modern president's term in office. For example, in the last two years of the Carter Administration, the Senate confirmed 44 Circuit Court nominees and 154 District Court nominees.

During the last two years of the Reagan Administration, the Senate confirmed 17 Circuit Court nominees and 66 District Court nominees.

During the last two years of the George H.W. Bush Administration, the Senate confirmed 20 Circuit Court nominees and 100 District Court nominees.

During the last two years of the Clinton Administration, the Senate confirmed 15 Circuit Court nominees and 57 District Court nominees.

In many of these cases the Senate was controlled, sometimes by a substantial margin, by a different party than that which controlled the White House. I see no reason why this Senate should not be at least as productive as the Republican controlled Senate which confirmed 15 Circuit Court nominees during President Clinton's final two years in office.

I would also like to address what has been called the ''Thurmond Rule.'' Some have suggested that this so-called rule holds that the Senate should dramatically curtail confirmations after the spring of a presidential election year. Review of the historical record suggests that this rule is more myth than reality.

It does not appear that Senator Thurmond, for whom the purported rule is named, ever publicly asserted that nominations should be delayed due to an impending presidential election. The only comment that could be so construed was made after the Committee approved ten nominees at a September 17, 1980 markup. He stated, ''[L]et me make the point [that] the Minority has tried to be more than fair in considering all of the nominees that have appeared before this Committee. I would remind [the Committee] it is just about six weeks before the election, and I want to say that for a year and a half before the last election, there was no action taken on judges when we had a Republican President.'' However, because Senator Thurmond used this as a point of contrast, the natural implication seems to be that he considered blocking nominations in the lead up to an election unfair.

The fact of the matter is that the Senate has regularly confirmed judges in presidential election years. In the election year of 1980, when it is asserted Senator Thurmond inaugurated the so-called rule, the Senate confirmed ten Circuit Court nominees and 53 District Court nominees. Several of the Circuit Court nominations were high profile nominees with well-known credentials. Many of these nominees were confirmed relatively late in the year.

Between June 1 and September 1, 1980, the Senate confirmed four Circuit Court nominees and 15 District Court nominees, including then-ACLU General Counsel Ruth Bader Ginsburg, who was confirmed June 18, 1980.

After September 1, 1980, the Senate confirmed two more Circuit Court nominees and eleven District Court nominees. The first Circuit Court nominee, Stephen Reinhardt of the Ninth Circuit, who is now thought to be one of nation's most liberal jurists, was confirmed on September 11, 1980.

More remarkable is the second Circuit Court nominee, that of Stephen Breyer to the First Circuit. Justice Breyer was then Senator Kennedy's Chief Counsel. He was nominated by President Carter on November 13, 1980, after Carter had lost the election to Ronald Reagan. The Senate, which was also about to switch party control, held a swift confirmation hearing and voted to confirm Breyer on December 9, 1980.

The presidential election year of 1980 was not an aberration, the pattern continued in subsequent election years. In 1988, President Reagan's last year in office, the Senate confirmed seven Circuit Court nominees and 33 District Court nominees. In 1992, President George H.W. Bush's last year in office, the Senate confirmed eleven Circuit Court nominees and 53 District Court nominees. In 2000, President Clinton's last year in office, the Senate confirmed eight Circuit Court nominees and 31 District Court nominees.

Furthermore, many of these presidential election year confirmations occurred late in the year. Since 1980, 110 judges were confirmed after July 1st of a presidential election year, 17 of those were confirmed to Circuit Courts. In the same period, 63 judges were confirmed after September 1st of presidential elections years, twelve of those to Circuit Courts. In short, there does not appear to be any historical basis for the so-called ''Thurmond Rule.'' The Senate has confirmed numerous nominees during presidential election years, and I expect that with Senator Leahy and I working together, we will do so again next year.

In fact, I think it's time to move beyond some of the more acrimonious judicial battles of the past. I think the country is served best when the Senate fulfills its constitutional duty and votes on the President's nominees.

I have called on the White House to consult with Senator Leahy and Leader Reid during the nomination process. I have also worked to ensure that judicial nominees are afforded prompt consideration and fair treatment by the Judiciary Committee. I plan to continue to do that as the Ranking Member and am confident that under Senator Leahy's leadership, our Committee will fairly and expeditiously consider judicial nominees.

Aside from the responsibility the Senate has to vote up or down on the President's nominees, we cannot forget that these people, who have agreed to undertake important government service, have family considerations and professional lives that are often adversely impacted when their careers are out on hold because of a pending nomination. We should never forget that these nominees, whether a Member decides ultimately to support them or not, are deserving of our thanks for their willingness to undergo this process and to offer their services to the American people. They deserve fair treatment by this body.

I trust that during the 110th Congress the Senate will work productively to ensure that nominees are treated fairly and that judicial vacancies are filled as soon as possible. I look forward to working with the White House and with Chairman Leahy to that end.

I yield the floor.

Mr. SPECTER. Madam President, in the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business, with Senators permitted to speak therein for up to 10 minutes.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY are printed in today's RECORD under ''Morning Business.'')

Mr. LEAHY. Madam President, I realize I have gone over the appropriate time, and I appreciate the Chair not calling me on it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LINCOLN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORKING TOGETHER

Mr. KYL. Madam President, this has been a good day. It is a day on which many of us were sworn in and a day that the Senate began again to function in this new 110th Congress. It began with a rather historic meeting called by the new majority leader, HARRY REID, in the Old Senate Chamber, a place which I explained to my family is so imbued with the history of the United States and the history of the Senate that one cannot but help feel a sense of responsibility, a special sense of duty when functioning as a Senator in that Old Senate Chamber. Frequently there are people there who remind us of some of the history to call on us to try to rise to the same level to which many of the great Senators in the history of this country rose in the most difficult and challenging times of our country.

I believe it was Senator KENNEDY who reminded us that exactly on this day, at the very beginning of the Civil War, the Senators from the South left the Senate Chamber for the last time. They did not meet with the Senate thereafter because of the beginning of the Civil War, and that is when the Senate moved from the Old Senate Chamber to the Chamber we are now in—here.

There is a great deal of a sense of mission and of history and of responsibility when we meet in a place such as that. The purpose for the meeting was to begin this new Congress thinking about something that we have tended to forget in recent months and even, I would say, years, and that is the degree to which Senators had in the past worked together to get the people's business done.

Unlike under the rules of the House of Representatives in which the majority pretty much rules and the minority has very little power, in the Senate the minority and the majority must work together to get anything done because of the rules. With a 51–49 division right now, it is obvious that this body is almost equally divided and that under our rules we are going to have to work very well together to get anything done.

In the past there has been—and I would say leading up to the last election—a special amount of politicking and of negativity, the sort of ''gotcha'' kind of politics that is designed to score political points; a cynicism, a lack of comity. I think we always see that a little bit before an election but I felt it much more oppressively in the runup to this last election.

Someone has pointed out that perhaps with a divided Government now, in the sense that Democrats control the Congress and the Republican Party controls the executive branch, actually there may be much less incentive for either side to engage in that kind of politics and, to the contrary, much more incentive for both sides to try to work with each other to get things done. The reputation of Democratic Senators and Representatives will depend to some extent on how much they can accomplish. They will have to have Republican help to accomplish things. The last 2 years of the Bush Presidency will depend a great deal on how much he, working with the Congress, can get done in these 2 years. He can't do anything on his own. He has to sign bills that we pass. So he has to work with us, meaning that Republicans working with him also have to reach across the aisle and work with our colleagues in the Democratic Party.

I thought some things the Republican leader, MITCH MCCONNELL, said today were especially appropriate in this regard. I want to close our day today, reiterating some of the thoughts he expressed with which I am in total agreement. He said this:

> The Senate can accomplish great things over the next 2 years, but this opportunity will surely slip from our grasp if we do not commit ourselves to a restoration of civility and common purpose.

New Democratic colleague BERNIE SANDERS from Vermont, with whom I served in the House—we got reacquainted today—said, Are you enjoying it over here? I hesitated. And he laughed. We had a discussion about the fact that it can be very enjoyable when you work together to try to get something done. You have to work with each other across the aisle if you are going to get something done. It is not enjoyable when there is a lack of comity, where harsh language is used, when you see things done purely for political purposes. Then it is not fun. I think we would all rather look forward coming to work in the morning. And it certainly is better when we go home and report to our constituents that we were able to get something done.

I am sure the distinguished majority leader would agree with this comment that MITCH MCCONNELL made this morning. He said:

> . . . as we open this session, I stake my party to a pledge: when faced with an urgent issue, we will act; when faced with a problem, we will seek solution, not mere political advantage.

I think that is the credo all of us pretty well agreed to at the end of that very special meeting we had this morning: that we need positive solutions to real problems. We need to act in a spirit of comity. All of us need to stop the finger pointing, the negativity, the taking advantage for political purposes, and the setting up of each other in a way we would fail rather than finding a way that we can both succeed.

In fact, one of our colleagues made a comment almost exactly to that effect: We need to both succeed in what we do. Since we now have divided Government, there is an incentive for us to work with each other to do that.

There were, of course, some of our colleagues who reminded us that realistically this would not be easy, that

there would be a great tendency to slip back into old habits and to fight politically, and we know that to be true. But there are some things—at least one of our colleagues made this point very strongly—on which we have to act in a united way and that starts with our national security, meeting this threat of terrorism. The distinguished Republican leader made that point. Among the things he suggested we would have to work on, he said:

America has not seen a domestic terrorist attack since we committed ourselves to the global war on terror. That's not an accident, some quirk of fate. Rather, it is due to the hard work of spotting and disrupting threats before they strike.

Much of that capability was granted by the Senate and the House and the President in reorganizing our intelligence agencies, reorganizing some of the laws under which our intelligence agencies and law enforcement work. So we have helped to keep the American people more secure. We should continue that hard work.

He concluded on this point:

Al-qaida is not a threat to Republicans, it is not a threat to Democrats, it is a threat to America. And the Senate must work together as we prepare for the long struggle ahead.

There were many other issues that have been discussed, things we can work together on, things we are going to have to work together on. I close with one example that, to us in this body, we know this for a fact. That is the confirmation of judges. When you have a President of one party nominating judges and the majority in the Senate is of the other party, obviously something has to give. You have to work together. It was the hope of the Republican leader, I am sure, speaking on behalf of the President of the United States as well, that we would find ways to work together, Democrats and Republicans in this body, to give a fair chance to the President's nominees. He is, after all, elected President. He has the authority under the Constitution to nominate judges. Our responsibility is to check them out, to hold the hearings, and to question their qualifications but if in fact they are qualified, to give them a chance to be put on the bench with an up-or-down vote. I hope we could do that for the vast majority of the judges the President has nominated and for the other executive branch nominations of the President as well.

These are good examples of areas in which, without cooperation, the Government for the people does not function well. So, as we end this day I ask us to reflect on some of the words of our leaders, HARRY REID and MITCH MCCONNELL, today and our colleagues in that historic meeting this morning when we talked a good game about recommitting ourselves to bipartisan solutions to problems, to work on behalf of the American people with more comity in this body, in a way which will make us feel much better amongst ourselves and make our constituents much happier than they are when they see us fighting and bickering all the time. It is fitting to end this day on that note.

I commend the majority leader, HARRY REID. I commend the Republican leader, MITCH MCCONNELL, for serving as examples for all Members in the leadership they exhibited in starting the Senate off this way.

I see the distinguished majority leader now. We can conclude this day on that high note, giving some hope to the American people that we are committed to working on their behalf for a better future, a better America.

HONORING OUR ARMED FORCES

LANCE CORPORAL CLINTON JON (C.J.) MILLER

Mr. GRASSLEY. Mr. President, I rise to pay tribute to a fallen soldier from Greenfield, IA, LCpl Clinton Jon (C.J.) Miller, who was killed while serving his country as part of an improvised explosive device detection team in Iraq. My thoughts and prayers go out to his wife Jackie, his mother Susan, his father Kerby, and all his family and friends. I am sure I speak for all Iowans when I say that I am proud to call C.J. one of us. By all accounts, he was a fine marine who felt called to, and liked, military service. Family members say that he joined the Marines during wartime because he just felt he had to serve. Where would our country be without patriotic young Americans like C.J. who feel a call to serve their country? All Americans owe a debt of gratitude to this brave Marine. As his father said, ''He was a hero.'' Lance Corporal Miller's tremendous service and sacrifice should never be forgotten.

SERGEANT JAMES P. MUSACK

Mr. GRASSLEY. Mr. President, I rise to pay tribute to SGT James P. Musack of Riverside, IA, who tragically died as a result of a noncombat related incident while serving his country in Iraq. I am sure that all Iowans shared the same sense of sadness I felt when learning of the death of this young Iowa native. According to family and friends, he had found his calling in the military and all Americans owe him our deepest thanks for his service. Everyone joining the military knows the risks involved, but all Americans are indebted to brave patriots like James Musack who voluntarily assume those risks in order to defend our freedom and way of life. My prayers go out to his mother Yvette, his father Jim, and all his family and friends.

LIEUTENANT COLONEL PAUL J. FINKEN

Mr. GRASSLEY. Mr. President, I rise to pay tribute to LTC Paul J. Finken who has given his life for his country while serving in Iraq. He was 40 years old. Paul Finken was raised in Earling, IA, and I know all Iowans share my pride as we also mourn his loss. As a career Army officer, Lieutenant Colonel Finken had dedicated his life to the service of his country and we can never thank him enough for his service and his final sacrifice on behalf of our freedom.

In remembering Paul Finken, his family said, ''Paul was a devoted husband, loving father and respected leader. He loved being a soldier and respected the soldiers he worked with. He always set the example and would never ask his soldiers to do anything he wouldn't do himself. He will be greatly missed by his family and by all who knew him.'' My thoughts and prayers are with his wife Jackie and his three daughters, Emilie, Caroline, and Julia, for their loss. I hope it will be of some comfort to them to know that Paul died a hero.

COLORADO WEATHER

Mr. ALLARD. Mr. President, I come today to discuss the situation in Colorado and surrounding States that has captured national attention. Over the last few weeks Colorado and its neighbors have experienced two record-setting blizzards. In some parts of Colorado these storms dropped almost 5 feet of snow and have created a nightmare situation for many in rural America. Thousands of head of cattle and other livestock are currently stranded without food or water. Only recently have some of these animals begun to see relief with supply drops via helicopter.

The aftermath of these devastating blizzards continues to paralyze many counties in Colorado and the West. Thousands of local men and women have banded together and are working to provide relief to their neighbors and to the tens of thousands of livestock facing starvation. Dozens of communities have experienced severe economic damage and loss as a result of these blizzards. These storms have created a dire situation.

In the tradition of the West local individuals have pulled together and have spent much of their holiday season trying to dig each other out and reach stranded livestock. Locals are doing all that they can, and I am grateful for the assistance that the National Guard has provided. Unfortunately more needs to be done. I am introducing legislation today that will help provide Federal resources to the backbone of America; our producers. The legislation that I introduce today will reauthorize the Livestock Compensation Program and direct the Secretary of Agriculture to allocate funds to it from the Commodity Credit Corporation to help eligible producers that have suffered a loss from these blizzards.

I am hopeful that the Senate will act swiftly on this important legislation

that will get vital help to America's farmers and ranchers.

TRIBUTE TO ANTHONY J. ZAGAMI

Mr. WARNER. Mr. President, I rise today in recognition of Anthony J. ''Tony'' Zagami, who retired from the U.S. Government Printing Office, GPO, on January 3, 2007. Mr. Zagami has been a true public servant, having served over 40 years in Federal service and earned the distinction as the longest serving general counsel in the history of the GPO.

Mr. Zagami started his government service as a Senate page in the 1960s. He continued his service to Congress while working his way through college and law school. He received his bachelor of science degree from the University of Maryland School of Business and Public Administration, and his juris doctor from the George Mason University School of Law.

After working 25 years in the Congress, he left to become the general counsel of the Government Printing Office in 1990. The GPO, among other things, is responsible for producing the CONGRESSIONAL RECORD. During his time at the GPO, he was instrumental in transforming it into the modern digital information processing organization that it is today.

Throughout his career, both in the Congress and at the GPO, Mr. Zagami was known for his dedication and commitment to public service and received numerous awards and recognitions for his achievements. As a tribute to his outstanding performance, the GPO named him General Counsel Emeritus—the first time such a title has been bestowed upon an individual in the GPO's 145-year history.

As he ends a distinguished career, I would like to take this opportunity to thank Tony Zagami for his many years of public service to our Nation and wish him and his family the very best in all future endeavors.

ADDITIONAL STATEMENTS

IN MEMORY OF BRYAN TUVERA

● Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of a courageous man, Police Officer Bryan Tuvera. Officer Tuvera was a member of the San Francisco Police Department who died in the line of duty on December 23, 2006. He was 28 years old.

Officer Tuvera was a 4½-year veteran of the San Francisco Police Department. He served with distinction and received numerous commendations during his tenure. He was shot and killed during the pursuit of an escaped convict. He died on the tenth anniversary of his beloved father's death, who had worked as a police dispatcher with the San Francisco Police Department.

Before joining the San Francisco Police Department on July 1, 2002, Officer Tuvera received his degree in criminal justice from San Francisco State University. He is a 1996 graduate of South San Francisco High School.

Officer Tuvera was married to his wife Salina Tuvera 2 months ago. They had been preparing for their first Christmas together. He is remembered by friends and colleagues as a dedicated and professional police officer and a good friend who loved his job and was always a ''class act.''

Bryan Tuvera risked his life every day to make San Francisco safer. We will always be grateful for Officer Tuvera's heroic service protecting his community.

Bryan Tuvera is survived by his wife and fellow police officer, Salina Tuvera; his mother Sandy; his sister Tracee; and his grandparents Shirley and Stanley Scovill.●

IN MEMORY OF ELIZABETH TERWILLIGER

● Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of an extraordinary Californian, Elizabeth Terwilliger.

To the Marin County community, Elizabeth Terwilliger was a renowned naturalist and educator, beloved by schoolchildren and adults, who leaves an amazing environmental legacy. She died on November 27, 2006 at the age of 97. She is survived by her daughter Lynn, her son John, and several grandchildren.

Elizabeth Cooper was born in Hawaii in 1909. She moved to the mainland to pursue a master's degree in nutrition from Columbia University in New York and then attended Stanford nursing school. While at Stanford, she met her husband, Dr. Calvin Terwilliger. After World War II, the couple settled in Mill Valley, California where they raised two children.

Elizabeth took her children on nature walks throughout Marin County. Soon, she was leading nature walks for local Girl Scout and Boy Scout troops. Her unique hands-on style and storytelling ability became known throughout the community and soon she began leading field trips for area schools and environmental organizations. Leading such trips 5 days a week became her life's work.

For the 50 years that followed, every child growing up in Marin County knew Mrs. Terwilliger. She was a famous and beloved educator who traveled across the county in her familiar van filled with life-like animal models to teach school children about nature. Upon sight of her characteristic floppy straw hat, children would come running and follow her through the woods with excitement and adoration. They would soak up her stories and bring them home to teach their parents.

Those who knew Mrs. Terwilliger well recount her mesmerizing personality, her passion for nature and wildlife, and her openhearted way with children and adults alike.

In 1984, President Ronald Reagan honored Mrs. Terwilliger as an outstanding volunteer. While accepting the award at the White House, she shared one of her famous stories about ''Mr. Vulture,'' and had President Reagan holding his arms over his head in the ''V'' position, representing a vulture in flight.

In addition to leading nature education programs, Mrs. Terwilliger was an advocate for environmental conservation and open space. She campaigned for a monarch butterfly preserve, bicycle paths, wetlands and open space preservation. She received numerous awards and has two preserves named after her: Terwilliger Marsh in Mill Valley and Terwilliger Butterfly Grove at Muir Beach.

She inspired Joan Linn Bekins to create the Elizabeth Terwilliger Nature Education Foundation, which later became known as WildCare. Using educational programs developed by Mrs. Terwilliger, the center provides nature programs for over 40,000 Bay Area schoolchildren each year. The center also treats thousands of wildlife each year, rehabilitating them and returning them to their natural environment.

Mrs. Terwilliger often said, ''while you're learning, you're living.'' Her life's passion was to teach people how to embrace and love nature. She was a local treasure and a wonderful, inspiring woman.

I knew Mrs. Terwilliger and respected and admired her greatly. She will be deeply missed.

For those of us who were fortunate to know her, we take comfort in knowing that schoolchildren will continue to learn from Mrs. Terwilliger's unique educational style at WildCare. Her vision, her passion and her spirit will remain in the countless lives she touched.●

TRIBUTE TO BETH MCWHIRT

● Mr. BUNNING. Mr. President, I pay tribute to Beth McWhirt teacher of social studies at Fulton County Schools on being named Teacher of the Year by the Chamber of Commerce in Hickman County, Ky.

Beth has exhibited a great commitment to her students at Fulton Middle and Senior High Schools. As a teacher of social studies, Beth is tasked to mold our Nation's young citizens to understand the history of our great Nation and the world. Being honored with this award, Beth sets an example of excellence for the rest of the faculty at Fulton County Schools.

Mr. President, I now ask my fellow colleagues join me in thanking Beth for her dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have teachers like Beth McWhirt in our public schools.●

RECOGNIZING THE BOISE STATE UNIVERSITY BRONCOS

● Mr. CRAIG. Mr. President, Today on the first day of the 110th Congress, I wish to recognize the accomplishment of the Boise State University Broncos football team this past Monday, January 1, 2007.

College sports have a way of putting schools, and cities, on the map. For instance, George Mason University was virtually unknown until their basketball team catapulted into the national spotlight through March Madness last year. However, no sport is more adept at this than the all-American sport of football.

On New Year's Day, Boise State University battled Oklahoma in the Fiesta Bowl. One announcer commented that, until today, many of the Oklahoma football players didn't even know where Boise is. Well, Mr. President, they do now.

In what is being described as one of the most thrilling games in the history of college bowl games, the Broncos defeated Oklahoma 43 to 42. I can't begin to describe to you the enthusiasm of the Bronco fans before, during, and especially after the game. It was contagious. And that is coming from a proud Idaho Vandal.

Idaho is a small State. We haven't had nationally known sports teams. It wasn't too long ago that Boise State was only known in football circles for its blue football field. On the first day of 2007, that all changed.

I am proud of what our Broncos did proving to the Nation that Idaho knows how to play football.

With this new notoriety, of course, comes an opportunity for us to tell the country that Idaho's State-run universities have a lot to offer besides great football. Between Boise State, the University of Idaho, and Idaho State University, Idaho offers tremendous education with a quality of life that can't be beat.

Boise, Idaho is now on the map of millions of college football fans thanks to our Broncos. To them I say congratulations and thank you.●

HONORING 2007 BOISE STATE UNIVERSITY BRONCOS

● Mr. CRAPO. Mr. President, if a football victory on New Year's Day is a harbinger of things to come, 2007 looks to be a thrilling year marked by success and celebration. Most of my colleagues here know that Boise State University won the Tostitos Fiesta Bowl on New Year's Day. This bowl victory completes an undefeated football season, 13 to 0, thanks to the hard work, dedication, and love of the game by the Boise State football players, fans, coach Chris Petersen, his staff, the athletic department, and the university administration. They all worked very hard to reach this remarkable achievement, and they have not only my congratulations, but the congratulations, of Idahoans and Americans everywhere.

Idaho is home to just over a million people and has some surprising secrets, not the least of which has been the five-time defending Western Athletic Conference Champion Boise State Broncos football team. It is a source of tremendous pride to see the team make national headlines, once again, for Idaho in this incredibly positive manner. The victory that barely eluded them in last year's MPC Computers Bowl came riding home and riding home hard. The Fiesta Bowl game against traditional football powerhouse the University of Oklahoma was college football at its best, and the BSU players and coaches came through with some stunning plays. While Boise dominated the first three-quarters of the game, the Sooners came roaring back. The last 2 minutes of the game were as good as college football gets. When the game went into overtime, the Sooners didn't waste a play they immediately scored a touchdown to temporarily take the lead. With the game on the line, the Boise State players came through and scored a touchdown along with a thrilling two-point conversion to bring the final score to 43 to 42, Boise State. Earlier in 2006, Boise was named the eighth most inventive city in the Nation. That creativity and innovation was certainly the Spirit of Idaho at its best on the field of play at crunch time and made this dreamed Bronco victory a reality.

The BSU Broncos are committed to excellence both on and off the field. The players take the energy they generate on the field and spread it throughout the community and State. The extraordinary progress and development of the BSU football program and the entire university stand as a testament to what can be accomplished with leadership, commitment, determination, and, most importantly, teamwork.

As the Nation marvels at the ''hook and lateral'' and ''Statue of Liberty'' plays that sealed the victory, I congratulate Coach Petersen, President Bob Kustra, Athletic Director Gene Bleymaier, the entire team, loyal students, alumni, and fans on their collective victory which all Idahoans enthusiastically share. I offer a friendly condolence to my colleagues from Oklahoma, and I am confident that their fine program will continue its tradition of excellence. And I offer this statement as a friendly notice to my colleagues from States that are home to traditional college football powerhouses: that thunder you hear is from our charging Broncos. I look forward to another great season this fall when the Broncos will run again.●

TRIBUTE TO MARVIN VAN HAAFTEN

● Mr. GRASSLEY. Mr. President, I would like to take this opportunity to offer my congratulations and gratitude to an extraordinary Iowan. Marvin Van Haaften is stepping down from his distinguished position as director of the State of Iowa's Office of Drug Control Policy. He assumed this position after being named by Governor Tom Vilsack in 2002 and has served the State with honor and distinction since accepting the appointment.

I would like to take this opportunity to show Marvin Van Haaften the appreciation that the country, the State of Iowa, and myself personally have for his extensive commitment as a public servant. With more than 32 years of law enforcement experience, Marvin has taught extensively in the field of rural law enforcement, particularly death investigation and domestic violence crimes. He has provided local and national leadership on the role of law enforcement in strategic victim safety and offender apprehension, and is presently on the board of directors of the National Center for Rural Law Enforcement. Marvin also served on many local and State committees such as the Iowa Criminal and Juvenile Justice Planning Advisory Council, the board of the Mid-Iowa Narcotics Enforcement Task Force, the board of the 18-county South Central Iowa Clandestine Laboratory Task Force, and was the third vice president on the board of directors of the Iowa Association of Counties. Marvin was named Sheriff of the year in 1991 by the Iowa State Sheriffs' and Deputies' Association and served as its president in 1996. He is also a graduate of the FBI National Academy and has attended the National Sheriffs' Association's National Sheriffs' Institute and the FBI Law Enforcement Executive Development Institute. In 1997 he became a licensed Iowa medical examiner investigator.

Marvin knows firsthand the true value and significance of a loving family. He has been married to his wife Joyce for 42 wonderful years and has the blessings of 5 grown children and the joy of 11 grandchildren. It is through Marvin's love of family and law enforcement experience that enabled him to expose the destruction that drug abuse wreaks on families.

I share my appreciation for Marvin Van Haaften along with my fellow Iowans for the invaluable service he has provided to our State and country.

He has proven himself to be versatile and fully capable of accepting and mastering the tasks placed before him. His enduring commitment to the safety of Americans is cause for admiration.

Again, I offer my congratulations and sincere appreciation to Marvin Van Haaften for his remarkable achievements throughout his extensive and highly regarded career. His hard work and determination will be missed in Iowa and throughout the Nation.●

TRIBUTE TO JUSTIN MINKEL

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I honor Justin Minkel, a second grade teacher at Harvey Jones Elementary School in Springdale, AR, who was named a recipient of the 2006 Milken Family Foundation National Educator Award.

Since the inception of the Milken Foundation National Educator Awards Program in 1985, over 2200 outstanding men and women have been named Milken Educators. They are honored with both public recognition and financial reward for their exceptional educational talent and positive results in the classroom.

Justin Minkel teaches in a classroom where English is the second language for the majority of his students. His students have flourished under his instruction, with nearly a third becoming fluent in English. He uses hands-on experiences to show the relevance of math concepts, and makes subjects such as science, social studies and literature more meaningful by associating them with real-world experiences. He has shared these strategies with other professionals throughout his district and has also mentored student teachers from a local university.

During the 2007–2008 school year, Mr. Minkel will serve as an ex-officio member of the Arkansas State Board of Education. He will travel the State providing professional and technical assistance to other teachers.

My home State of Arkansas is fortunate to have men and women of Justin Minkel's caliber who devote their lives to providing quality education for our children. He exemplifies the commitment and energy that will help to build a brighter future for the generations to come, and I ask my colleagues to join me in congratulating Justin Minkel on receiving the 2006 Milken Family Foundation National Education Award. This is a well deserved honor.●

MESSAGES FROM THE HOUSE

At 4:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to H. Res. 1, resolving that Karen L. Haas of the State of Maryland, be, and is hereby, chosen Clerk of the House of Representatives, and that Wilson S. Livingood of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant at Arms of the House of Representatives, and that James M. Eagen, III, of the Commonwealth of Pennsylvania, be, and is hereby, chosen Chief Administrative Officer of the House of Representatives, and that Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

The message also announced that the House has agreed to H. Res. 2, resolving that the Senate be informed that a quorum of the House of Representatives has assembled, that NANCY PELOSI, a Representative from the State of California, has been elected Speaker, and Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Tenth Congress.

The message further announced that the House has agreed to H. Res. 3, resolving that a committee of 2 Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The message also announced that the Speaker appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Maryland Mr. HOYER and the gentleman from Ohio Mr. BOEHNER.

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on December 19, 2006, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. DAVIS of Virginia) had signed the following enrolled bills and joint resolution:

H.R. 6111. An act to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.

H.R. 6143. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

H.R. 6344. An act to reauthorize the Office of National Drug Control Policy Act.

H.R. 6407. An act to reform the postal laws of the United States.

H.R. 6429. An act to treat payments by charitable organizations with respect to certain firefighters as exempt payments.

H.J. Res. 101. Joint resolution appointing the day for the convening of the first session of the One Hundred Tenth Congress.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on December 19, 2006, subsequent to the sine die adjournment, by the Acting President pro tempore (Mr. FRIST).

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on December 19, 2006, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WOLF of Virginia) had signed the following enrolled bills:

H.R. 3248. An act to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

H.R. 5782. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 6342. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on December 20, 2006, subsequent to the sine die adjournment, by the Acting President pro tempore (Mr. ALLEN).

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on December 27, 2006, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. DAVIS of Virginia) had signed the following enrolled bills:

H.R. 482. An act to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

H.R. 486. An act to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

H.R. 1245. An act to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

H.R. 4588. An act to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.R. 4997. An act to extend for 2 years the authority to grant waivers of the foreign

country residence requirement with respect to certain international medical graduates.

H.R. 5483. An act to increase the disability earning limitation under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act.

H.R. 5946. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

H.R. 5948. An act to reauthorize the Belarus Democracy Act of 2004.

H.R. 6060. An act to authorize certain activities by the Department of State, and for other purposes.

H.R. 6164. An act to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

H.R. 6338. An act to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

H.R. 6345. An act to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on January 3, 2007, subsequent to the sine die adjournment, by the Acting President pro tempore (Mr. STEVENS).

MEASURE HELD AT THE DESK

The following measure was submitted and ordered held at the desk:

S. Res. 19. A resolution honoring President Gerald Rudolph Ford.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1. A bill to provide greater transparency in the legislative process.

S. 2. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 5. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 113. A bill to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007.

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–1. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluthiacet-methyl; Pesticide Tolerance'' (FRL No. 8108–8) received on January 3, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Zeta-Cypermethrin; Pesticide Tolerance'' (FRL No. 8093–6) received on January 3, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State and Zone Designations; Texas'' (Docket No. APHIS–2006–0145) received on January 3, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flucarbazone-sodium; Pesticide Tolerance'' (FRL No. 8105–6) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fruits and Vegetables'' (Docket No. 03–086–3) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticide Tolerance Nomenclature Changes; Technical Amendment'' (FRL No. 8064–3) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Financial Reporting Requirements for Introducing Brokers'' (RIN3038–AC34) received on December 14, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluroxypyr; Pesticide Tolerance'' (FRL No. 8107–7) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)'' (FRL No. 8105–4) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethomorph; Pesticide Tolerance'' (FRL No. 8104–6) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Boscalid; Pesticide Tolerance'' (FRL No. 8107–8) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–12. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8100–9) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–13. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerance'' (FRL No. 8105–9) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–14. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metconazole; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8095–4) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–15. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Myclobutanil; Pesticide Tolerance'' (FRL No. 8105–1) received on December 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–16. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the approved retirement of Vice Admiral Justin D. McCarthy, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–17. A communication from the Principal Deputy Assistant Secretary, Department of the Army, transmitting, pursuant to law, a report relative to the number of Army National Guard and Reserve Soldiers adversely affected by the disparate treatment of Army Incentive Pay; to the Committee on Armed Services.

EC–18. A communication from the Commander, Army Claims Service, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Claims Against the United States'' (RIN0702–AA54) received on December 15, 2006; to the Committee on Armed Services.

EC–19. A communication from the Commander, Army Claims Service, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Claims on Behalf of the United States'' (RIN0702–AA55) received on December 15, 2006; to the Committee on Armed Services.

EC–20. A communication from the Under Secretary of Defense, transmitting, pursuant to law, five quarterly Selected Acquisition Reports for the quarter ending September 30, 2006; to the Committee on Armed Services.

EC–21. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Labor Reimbursement on Department of Defense Non-Commercial Time-and-

Materials and Labor-Hour Contracts'' (DFARS Case 2006–D030) received on December 15, 2006; to the Committee on Armed Services.

EC–22. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Levy on Payments to Contractors'' (DFARS Case 2004–D033) received on December 15, 2006; to the Committee on Armed Services.

EC–23. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contract Pricing and Cost Accounting Standards'' (DFARS Case 2003–D014) received on December 14, 2006; to the Committee on Armed Services.

EC–24. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contracting Officers' Representatives'' (DFARS Case 2005–D022) received on December 14, 2006; to the Committee on Armed Services.

EC–25. A message from the President of the United States, transmitting, pursuant to law, a report relative to the Service Members' training and use of riot control agents; to the Committee on Armed Services.

EC–26. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Permissible Investments for Federal Credit Unions'' (RIN3133–AD27) received on January 3, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–27. A communication from the Assistant to the Board, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Home Mortgage Disclosure Act'' (Docket No. 1275) received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–28. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Deposit Insurance Assessments—Designated Reserve Ratio'' (RIN3064–AD02) received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–29. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Assessments'' (RIN3064–AD03) received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–30. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Assessments'' (RIN3064–AD09) received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–31. A communication from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Internal Control Over Financial Reporting in Exchange Act Periodic Reports of Non-Accelerated Filers and Newly Public Companies'' (RIN3235–AJ64) received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–32. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds—Customer Confirmation Reporting Requirement Threshold Amount'' (Docket No. BPD–GSRS–06–02) received on December 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–33. A message from the President of the United States, transmitting, a report on the decision to take no action to suspend or prohibit the proposed merger between Alcatel and Lucent Technologies, Inc.; to the Committee on Banking, Housing, and Urban Affairs.

EC–34. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–35. A communication from the Acting General Deputy General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received on December 14, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–36. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–37. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–38. 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 Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction'' (ID No. 091306A) received on December 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–39. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures; End of the Pacific Whiting Primary Season for the Catcher/Processor Sector'' (ID No. 110706A) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–40. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment'' (ID No. 112006D) received on December 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–41. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Rhode Island Commercial Bluefish Fishery)'' (ID No. 112006F–X) received on December 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–42. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Inseason Bluefish Quota Transfers from VA and ME to NC'' (ID No. 112406A–X) received on December 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–43. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Aircraft Equipped with Honeywell Primus II RNZ–850()/–851() Integrated Navigation Units'' (Docket No. 2003–NM–193) received on December 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–44. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reservation System for Unscheduled Operations at Chicago's O'Hare International Airport; Extension of Expiration Date'' ((RIN2120–AI47)(Docket No. FAA–2005–19422)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–45. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Additional Types of Child Restraint Systems That May Be Furnished and Used on Aircraft; Corrections'' ((RIN2120–AI76)(Docket No. FAA–2006–25334)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–46. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc., Models AT–602, AT–802, and AT–802A Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–22)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–47. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–400, 777–200, and 777–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2000–NM–360)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–48. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, –17AR, –209, –217, –217A, –217C, and –219 Turbofan Engines'' ((RIN2120–AI47)(Docket No. FAA–2005–19422)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–49. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A321 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–119)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–50. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting,

pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777–200 Series Airplanes Equipped with General Electric GE90–94B Engines'' ((RIN2120–AA64)(Docket No. 2006–NM–142)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–51. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turmo IV A and IV C Series Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–31)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–52. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200, A340–200, and A340–300 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–185)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–53. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. Models N22B, N22S, and N24A Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2006–25928)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–54. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 2B Series Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–52)) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–55. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Worker Visibility'' (RIN2125–AF11) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–56. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Controlled Substances and Alcohol Misuse Testing'' (RIN2132–AA86) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–57. A communication from the Deputy Director, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Taking Marine Mammals; Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Conducting Precision Strike Weapons Testing and Training by Eglin Air Force Base in the Gulf of Mexico'' ((RIN0648–AT39)(ID No. 022106A)) received on January 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–58. 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 ''Final Rule to Implement Amendment 68 to the Fishery Management Plan for Groundfish of the Gulf of Alaska'' (RIN0648–AT71) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–59. 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 ''Final Rule to Implement Amendment 68 to the Pacific Coast Groundfish Fishery Management Plan'' (ID No. 060606A) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–60. 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 ''Final Rule for Seasonal Closure Provision for Regulatory Amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico'' (RIN0648–AU04) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–61. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea and Aleutian Islands Management Area'' (ID No. 081605D) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–62. 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 ''Temporary Rule Extension of Emergency Action Re-activating the Atlantic Sea Scallop Fishery Management Plan's (Scallop FMP) Observer Set-aside Program and Implementing an Observer Service Provider Approval Process'' (RIN0648–AU47) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–63. 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 ''Final Rule for Amendment 26 to the Gulf of Mexico Reef Fish Fishery Management Plan to Establish a Red Snapper Individual Fishing Quota Program'' (RIN0648–AS67) received on December 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC–64. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Partial Approval of the George's Bank Cod Fixed Gear Sector Operations Plan and Allocation for 2006'' (RIN0648–AU56) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–65. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments'' (ID No. 112106B) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–66. A communication from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Major Issues in Rail Rate Cases'' (STB Ex Parte No. 657) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–67. A communication from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Public Participation in Class Exemption Proceedings'' (STB Ex Parte No. 659) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–68. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's annual report on Ethanol market concentration; to the Committee on Commerce, Science, and Transportation.

EC–69. A communication from the Assistant Secretary, Department of Homeland Security, transmitting, pursuant to law, a report relative to the level of screening services and protection provided at San Francisco International Airport; to the Committee on Commerce, Science, and Transportation.

EC–70. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA FAR Supplement Administrative Changes'' (RIN2700–31) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–71. A communication from the Deputy Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Coast Guard's compliance with the Edible Oil Regulatory Reform Act; to the Committee on Commerce, Science, and Transportation.

EC–72. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 260 regulations)'' (RIN1625–AA00) received on December 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–73. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the construction and operation of the Mixed Oxide Fuel Fabrication Facility; to the Committee on Energy and Natural Resources.

EC–74. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's response to the Competitive Sourcing Activities Report; to the Committee on Energy and Natural Resources.

EC–75. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulations for Filing Applications for Permits to Site Interstate Electric Transmission Facilities'' (RIN1902–AD16) received on December 14, 2006; to the Committee on Energy and Natural Resources.

EC–76. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''North Dakota Regulatory Program'' (SATS No. ND–049–FOR) received on December 14, 2006; to the Committee on Energy and Natural Resources.

EC–77. A communication from the Attorney, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedures for Certain Consumer Products and Certain Commercial and Industrial

Equipment; Technical Amendment to Energy Conservation Standards for Certain Consumer Products and Certain Commercial and Industrial Equipment'' (RIN1904–AB53) received on December 14, 2006; to the Committee on Energy and Natural Resources.

EC–78. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: HI–STORM 100 Revision 3'' (RIN3150–AH98) received on December 14,2006; to the Committee on Environment and Public Works.

EC–79. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Rule: List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition'' (RIN3150–AH93) received on December 14, 2006; to the Committee on Environment and Public Works.

EC–80. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update to Materials Incorporated byReference'' (FRL No. 8249–6) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–81. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Tier 2 Vehicle Emission Standards and Gasoline Sulfur Requirements: Partial Exemption for U.S. Pacific Island Territories'' ((RIN2060–AN66)(FRL No. 8263–4)) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–82. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; PM–10 Test Methods'' (FRL No. 8264–8) received on January 3, 2007; to the Committee on Environment and PublicWorks.

EC–83. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Requests for Rescission'' (FRL No. 8260–1) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–84. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan'' (FRL No. 8265–6) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–85. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan'' (FRL No. 8265–4) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–86. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan'' (FRL No. 8265–8) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–87. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Source Categories From Oil and Natural Gas Production Facilities'' ((RIN2060–AM16)(FRL No. 8264–1)) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–88. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations'' ((RIN2060–AO03)(FRL No. 8264–2)) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–89. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the East St. Louis, Illinois Ozone Nonattainment Area'' (FRL No. 8261–9) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–90. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and South Coast Air Quality Management District'' (FRL No. 8258–8) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–91. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District'' (FRL No. 8259–9) received on January 3, 2007; to the Committee on Environment and Public Works.

EC–92. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions'' (FRL No. 8261–7) received on January 3, 2007; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mr. DURBIN, Mr. LOTT, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. SCHUMER, Ms. MIKULSKI, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. 1. A bill to provide greater transparency in the legislative process; placed on the calendar.

By Mr. REID (for himself, Mr. KENNEDY, Mr. SCHUMER, Mr. LIEBERMAN, Mr. AKAKA, Mr. BIDEN, Ms. CANTWELL, Mr. LEAHY, Mr. LAUTENBERG, Ms. STABENOW, Mr. WEBB, Mr. KERRY, Mr. REED, Ms. LANDRIEU, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. LEVIN, Mr. KOHL, Mrs. FEINSTEIN, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Mr. PRYOR, Mr. MENENDEZ, Mr. BAYH, and Mrs. LINCOLN):

S. 2. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. REID (for himself, Mr. BAUCUS, Mr. LEAHY, Ms. MIKULSKI, Mr. SCHUMER, Mrs. CLINTON, Ms. CANTWELL, Mr. KOHL, Ms. STABENOW, and Mr. WEBB):

S. 3. A bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries; to the Committee on Finance.

By Mr. REID (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEAHY, Mr. SCHUMER, Ms. CANTWELL, Mr. LAUTENBERG, Ms. STABENOW, Mr. WEBB, Mr. MENENDEZ, and Ms. LANDRIEU):

S. 4. A bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for himself, Mr. HARKIN, Mr. SPECTER, Mr. KENNEDY, Mr. HATCH, Mrs. FEINSTEIN, Mr. SMITH, Mr. DURBIN, Mr. LAUTENBERG, Ms. SNOWE, Mr. SCHUMER, Ms. MIKULSKI, Mrs. CLINTON, Ms. CANTWELL, Mr. FEINGOLD, Mr. LEAHY, Mr. KOHL, Ms. STABENOW, Mr. WEBB, Mr. KERRY, Mrs. LINCOLN, Mr. DODD, Mr. MENENDEZ, Mr. REED, Mr. AKAKA, Mrs. BOXER, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. LEVIN, Mr. OBAMA, and Mr. INOUYE):

S. 5. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; read the first time.

By Mr. REID (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. SALAZAR, and Mr. MENENDEZ):

S. 6. A bill to enhance the security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. LIEBERMAN, Mr. AKAKA, Ms. CANTWELL, Mr. BINGAMAN, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Ms. STABENOW, Mr. WEBB, Mr. MENENDEZ, Ms. LANDRIEU, Mr. SANDERS, Mr. REED, and Mr. DODD):

S. 7. A bill to amend title IV of the Higher Education Act of 1965 and other laws and provisions and urge Congress to make college more affordable through increased Federal Pell Grants and providing more favorable student loans and other benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. LEVIN, Mr. SCHUMER, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. MENENDEZ, and Ms. LANDRIEU):

S. 8. A bill to restore and enhance the capabilities of the Armed Forces, to enhance the readiness of the Armed Forces, to support the men and women of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for himself, Mr. LEAHY, Mr. SCHUMER, Ms. CANTWELL, and Ms. STABENOW):

S. 9. A bill to recognize the heritage of the United States as a nation of immigrants and to amend the Immigration and Nationality Act to provide for more effective border and employment enforcement, to prevent illegal immigration, and to reform and rationalize avenues for legal immigration, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. CONRAD, Mr. FEINGOLD, Mr. SCHUMER, Mr. SALAZAR, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. MENENDEZ, Mr. KERRY, Mr. HARKIN, Ms. LANDRIEU, Mr. DURBIN, and Mr. OBAMA):

S. 10. A bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility; to the Committee on the Budget.

By Mr. REID (for himself, Mrs. CLINTON, Mrs. MURRAY, Mrs. BOXER, Mr. AKAKA, Mr. KERRY, Mr. LEAHY, Mr. OBAMA, Mr. SCHUMER, Mr. LAUTENBERG, Mr. KENNEDY, Mr. HARKIN, Mr. MENENDEZ, and Mr. INOUYE):

S. 21. A bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WEBB:

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; to the Committee on Veterans' Affairs.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. DORGAN, Mr. BIDEN, and Mr. OBAMA):

S. 23. A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 24. A bill to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate; to the Committee on Environment and Public Works.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 25. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish requirements for certain petitions submitted to the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself and Ms. SNOWE):

S. 26. A bill to amend the Internal Revenue Code of 1986 to establish a program demonstrating multiple approaches to Lifelong Learning Accounts, which are portable, worker-owned savings accounts that can be used by workers to help finance education, training, and apprenticeships and which are intended to supplement both public and employer-provided education and training resources, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 27. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 28. A bill to amend title XVIII of the Social Security Act to require the use of generic drugs under the Medicare part D prescription drug program when available unless the brand name drug is determined to be medically necessary; to the Committee on Finance.

By Ms. LANDRIEU:

S. 29. A bill to clarify the tax treatment of certain payments made to homeowners by the Louisiana Recovery Authority and the Mississippi Development Authority; to the Committee on Finance.

By Mr. STEVENS:

S. 39. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 41. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for Ms. MURKOWSKI):

S. 42. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENSIGN (for himself, Mr. INHOFE, Mr. THOMAS, Mr. SESSIONS, Mr. COLEMAN, and Mrs. DOLE):

S. 43. A bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect; to the Committee on Finance.

By Mr. VITTER:

S. 44. A bill to require disclosure and payment of noncommercial air travel in the Senate; to the Committee on Rules and Administration.

By Mr. ENSIGN (for himself and Ms. LANDRIEU):

S. 45. A bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. DEMINT, Mr. GRAHAM, and Mr. COBURN):

S. 46. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. ISAKSON):

S. 47. A bill to establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENSIGN (for himself, Mr. DEMINT, and Mr. INHOFE):

S. 48. A bill to return meaning to the Fifth Amendment by limiting the power of eminent domain; to the Committee on Finance.

By Mr. STEVENS:

S. 49. A bill to amend the Communications Act of 1934 to prevent the carriage of child pornography by video service providers, to protect children from online predators, and to restrict the sale or purchase of children's personal information in interstate commerce; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON:

S. 50. A bill to amend the Internal Revenue Code of 1986 to provide economic incentives for the preservation of open space and conservation of natural resources, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON:

S. 51. A bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 52. A bill to amend the Tennessee Valley Authority Act of 1933 to increase the membership of the Board of Directors and require that each State in the service area of the Tennessee Valley Authority be represented by at least 1 member; to the Committee on Environment and Public Works.

By Mr. REID (for Mr. INOUYE):

S. 53. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. INOUYE):

S. 54. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State medicaid programs; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SCHUMER, Mr. KYL, and Mr. CRAPO):

S. 55. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 56. A bill to provide relief to the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

By Mr. REID (for Mr. INOUYE):

S. 57. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active

service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. REID (for Mr. INOUYE):

S. 58. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 59. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 60. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. INOUYE):

S. 61. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. INOUYE):

S. 62. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 63. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 64. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under certain programs to assist individuals in pursuing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. 65. A bill to modify the age-60 standard for certain pilots and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for Mr. INOUYE):

S. 66. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

By Mr. REID (for Mr. INOUYE):

S. 67. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

By Mr. AKAKA:

S. 68. A bill for the relief of Vichai Sae Tung (also known as Chai Chaowasaree); to the Committee on the Judiciary.

By Mr. KOHL (for himself and Ms. SNOWE):

S. 69. A bill to authorize appropriations for the Hollings Manufacturing Extension Partnership Program, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. INOUYE):

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. INOUYE):

S. 71. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

By Mr. REID (for Mr. INOUYE):

S. 72. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

By Mr. REID (for Mr. INOUYE):

S. 73. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing minimum nurse staffing ratios at certain Medicare providers, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 74. A bill to ensure adequate funding for high-threat areas, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 75. A bill to require the Federal Aviation Administration to finalize the proposed rule relating to the reduction of fuel tank flammability exposure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 76. A bill to amend section 1028 of title 18, United States Code, to prohibit the possession, transfer, or use of fraudulent travel documents; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 77. A bill to improve the tracking of stolen firearms and firearms used in a crime, to allow more frequent inspections of gun dealers to ensure compliance with Federal gun law, to enhance the penalties for gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 78. A bill for the relief of Alemseghed Mussie Tesfamical; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 79. A bill to establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in homicide and major violent crime cases and to provide Federal grants for such protection; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 80. A bill to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 81. A bill to authorize the United States Department of Energy to remediate the Western New York Nuclear Service Center in the Town of Ashford, New York, and to dispose of nuclear waste; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself and Mr. LAUTENBERG):

S. 82. A bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Select Committee on Intelligence.

By Mr. MCCAIN (for himself, Ms. SNOWE, Mr. BIDEN, and Mr. LIEBERMAN):

S. 83. A bill to provide increased rail transportation security; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself, Mr. STEVENS, and Mr. DORGAN):

S. 84. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. GRASSLEY, Mr. REID, Mrs. FEINSTEIN, and Mr. FEINGOLD):

S. 85. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 86. A bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 87. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 88. A bill to increase the penalty for failure to comply with lobbying disclosure requirements; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 89. A bill to prohibit authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal office holder connected to the committee; to the Committee on Rules and Administration.

By Mr. VITTER:

S. 90. A bill to modify the application of the Federal Election Campaign Act of 1971 to Indian tribes; to the Committee on Rules and Administration.

By Mr. ENSIGN (for himself and Mr. CRAPO):

S. 91. A bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget.

By Mr. STEVENS (for himself, Mr. COLEMAN, and Mr. VITTER):

S. 92. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS:

S. 93. A bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS:

S. 94. A bill to protect the welfare of consumers by prohibiting price gouging by merchants with respect to gasoline or petroleum

distillates during certain abnormal market disruptions; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself, Mr. KENNEDY, Ms. CANTWELL, Ms. LANDRIEU, Mr. LAUTENBERG, and Mrs. MURRAY):

S. 95. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 96. A bill to amend the Internal Revenue Code of 1986 to ensure a fairer and simpler method of taxing controlled foreign corporations of United States shareholders, to treat certain foreign corporations managed and controlled in the United States as domestic corporations, to codify the economic substance doctrine, and to eliminate the top corporate income tax rate, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 97. A bill to amend the Internal Revenue Code of 1986 to replace the Hope and Lifetime Learning credits with a partially refundable college opportunity credit; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. LANDRIEU):

S. 98. A bill to foster the development of minority-owned small businesses; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY:

S. 99. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for small business employee health insurance expenses; to the Committee on Finance.

By Mrs. BOXER:

S. 100. A bill to encourage the health of children in schools by promoting better nutrition and increased physical activity, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. LOTT, and Mrs. HUTCHISON):

S. 101. A bill to update and reinvigorate universal service provided under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 102. A bill to amend the Internal Revenue Code of 1986 to extend and expand relief from the alternative minimum tax and to repeal the extension of the lower rates for capital gains and dividends for 2009 and 2010; to the Committee on Finance.

By Mr. KERRY (for himself, Mrs. FEINSTEIN, and Mr. WYDEN):

S. 103. A bill to amend the Internal Revenue Code of 1986 to provide that major oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to the Committee on Finance.

By Mr. VITTER:

S. 104. A bill to amend the Ethics in Government Act of 1978 to establish criminal penalties for knowingly and willfully falsifying or failing to file or report certain information required to be reported under that Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 105. A bill to prohibit the spouse of a Member of Congress previously employed as a lobbyist from lobbying the Member after the Member is elected; to the Committee on the Judiciary.

By Mr. REID (for Mr. INOUYE):

S. 106. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. INOUYE):

S. 107. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. INOUYE):

S. 108. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. INOUYE):

S. 109. A bill to recognize the organization known as the National Academics of Practice; to the Committee on the Judiciary.

By Mr. REID (for Mr. INOUYE):

S. 110. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

By Mr. REID (for Mr. INOUYE):

S. 111. A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an establishment within the Uniformed Services University of the Health Sciences, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for Mr. INOUYE):

S. 112. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. STEVENS, Mr. THUNE, Mr. GRAHAM, Mr. CORNYN, Mr. CHAMBLISS, Mr. HATCH, Mr. THOMAS, Ms. MURKOWSKI, Mr. ENSIGN, Mr. MCCAIN, Mr. MARTINEZ, Mr. ROBERTS, and Mrs. DOLE):

S. 113. A bill to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007; read the first time.

By Mr. OBAMA:

S. 114. A bill to authorize resources for a grant program for local educational agencies to create innovation districts; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 115. A bill to suspend royalty relief, to repeal certain provisions of the Energy Policy Act of 2005, and to amend the Internal Revenue Code of 1986 to repeal certain tax incentives for the oil and gas industry; to the Committee on Finance.

By Mr. OBAMA (for himself and Ms. MIKULSKI):

S. 116. A bill to authorize resources to provide students with opportunities for summer learning through summer learning grants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself and Ms. SNOWE):

S. 117. A bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself and Mr. PRYOR):

S. 118. A bill to give investigators and prosecutors the tools they need to combat public corruption; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. DORGAN, Mr. SCHUMER, Mr. WYDEN, Ms. CANTWELL, Mrs. CLINTON, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. 119. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. KENNEDY, Mr. MENENDEZ, and Mr. LAUTENBERG):

S. 120. A bill to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City and at the Pentagon; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mrs. BOXER):

S. 121. A bill to provide for the redeployment of United States forces from Iraq; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. COLEMAN):

S. 122. A bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 123. A bill to authorize the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana; to the Committee on Environment and Public Works.

By Mr. ALLARD:

S. 124. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 125. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 126. A bill to modify the boundary of Mesa Verde National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 127. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 128. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 129. A bill to study and promote the use of energy-efficient computer servers in the United States; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 130. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under medicare; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. REED):

S. 131. A bill to extend for 5 years the Mark-to-Market program of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLARD:

S. 132. A bill to end the trafficking of methamphetamines and precursor chemicals across the United States and its borders; to the Committee on the Judiciary.

By Mr. OBAMA (for himself, Mr. LUGAR, and Mr. HARKIN):

S. 133. A bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 134. A bill to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 135. A bill to authorize the Secretary of the Army to acquire land for the purposes of expanding Pinon Canyon Maneuver Site, and for other purposes; to the Committee on Armed Services.

By Mr. ALLARD:

S. 136. A bill to expand the National Domestic Preparedness Consortium to include the Transportation Technology Center; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 137. A bill to amend title XVIII of the Social Security Act to provide additional beneficiary protections; to the Committee on Finance.

By Mr. SCHUMER:

S. 138. A bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses; to the Committee on Finance.

By Mr. SCHUMER:

S. 139. A bill to expedite review by the Supreme Court of the warrantless electronic surveillance program of the National Security Agency; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 140. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Finance.

By Ms. CANTWELL:

S. 141. A bill to amend the Internal Revenue Code of 1986 to permanently increase the maximum annual contribution allowed to be made to Coverdell education savings accounts, and to provide for a deduction for contributions to education savings accounts; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mrs. MURRAY, and Ms. MIKULSKI):

S. 142. A bill to amend title XXI of the Social Security Act to allow qualifying States to use all or any portion of their allotments under the State Children's Health Insurance Program for certain Medicaid expenditures; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mrs. MURRAY, and Mr. NELSON of Florida):

S. 143. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 144. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. SMITH, and Mr. WYDEN):

S. 145. A bill to make funds available for Pacific Salmon emergency disaster assistance; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 146. A bill to require the Federal Government to purchase fuel efficient automobiles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mr. BIDEN, and Mr. DODD):

S. 147. A bill to empower women in Afghanistan, and for other purposes; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 148. A bill to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 149. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 150. A bill to amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 151. A bill to permanently prohibit oil and gas leasing off the coast of the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 152. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the educational system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 153. A bill to provide for the monitoring of the long-term medical health of firefighters who responded to emergencies in certain disaster areas and for the treatment of such firefighters; to the Committee on Commerce, Science, and Transportation.

By Mr. BUNNING (for himself, Mr. OBAMA, Mr. LUGAR, Mr. PRYOR, Ms. MURKOWSKI, Mr. BOND, Mr. THOMAS, Mr. MARTINEZ, Mr. ENZI, Ms. LANDRIEU, and Mr. CRAIG):

S. 154. A bill to promote coal-to-liquid fuel activities; to the Committee on Energy and Natural Resources.

By Mr. BUNNING (for himself, Mr. OBAMA, Mr. LUGAR, Mr. PRYOR, Ms. MURKOWSKI, Mr. BOND, Mr. THOMAS, Mr. MARTINEZ, Mr. ENZI, Ms. LANDRIEU, and Mr. CRAIG):

S. 155. A bill to promote coal-to-liquid fuel activities; to the Committee on Finance.

By Mr. REID (for Mr. WYDEN (for himself, Mr. MCCAIN, and Mr. SUNUNU)):

S. 156. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL:

S. 157. A bill to permanently increase the maximum annual contribution allowed to be made to Coverdell education savings accounts; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 158. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 159. A bill to redesignate the White Rocks National Recreation Area in the State of Vermont as the ''Robert T. Stafford White Rocks National Recreation Area''; considered and passed.

By Mr. THUNE:

S. 160. A bill to provide for compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Indian Affairs.

By Mr. THUNE:

S. 161. A bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans; to the Committee on Veterans' Affairs.

By Mr. LUGAR:

S. 162. A bill to amend the Internal Revenue Code of 1986 to modify the alcohol credit and the alternative fuel credit, to amend the Clean Air Act to promote the installation of fuel pumps for E-85 fuel, to amend title 49 of the United States Code to require the manufacture of dual fueled automobiles, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER):

S. 163. A bill to improve the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KENNEDY:

S. 164. A bill to modernize the education system of the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD (for himself, Mr. ROBERTS, Mr. DOMENICI, Mr. INHOFE, and Mr. HAGEL):

S. 165. A bill to require the Secretary of Agriculture to provide compensation for certain livestock losses; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself, Mr. DEMINT, Mr. SMITH, and Mr. SUNUNU):

S. 166. A bill to restrict any State from imposing a new discriminatory tax on cell

phone services; to the Committee on Finance.

By Mrs. BOXER:

S. 167. A bill to amend the Clean Air Act to require the Secretary of Energy to provide grants to eligible entities to carry out research, development, and demonstration projects of cellulosic ethanol and construct infrastructure that enables retail gas stations to dispense cellulosic ethanol for vehicle fuel to reduce the consumption of petroleum-based fuel; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 168. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak Region of Colorado; to the Committee on Veterans' Affairs.

By Mr. ALLARD (for himself and Mr. LEVIN):

S. 169. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ENSIGN (for himself, Mr. CRAIG, Mr. DEMINT, Mr. COBURN, Mr. STEVENS, Mr. MCCAIN, Mr. VITTER, and Mr. CRAPO):

S. 170. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 171. A bill to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INHOFE:

S. 172. A bill to prohibit Federal funding for the Organization for Economic Co-operation and Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE (for himself and Mr. DEMINT):

S. 173. A bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts; to the Committee on Finance.

By Mr. INHOFE:

S. 174. A bill to amend the Head Start Act to require parental consent for non-emergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 175. A bill to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 176. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Finance.

By Mr. INHOFE:

S. 177. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE:

S. 178. A bill to protect freedom of speech exercisable by houses of worship or meditation and affiliated organizations; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. AKAKA):

S. 179. A bill to amend title 10, United States Code, to establish the position of Deputy Secretary of Defense for Management, and for other purposes; to the Committee on Armed Services.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. ALEXANDER, Mr. ENSIGN, Mr. ENZI, Mr. MARTINEZ, Mr. THUNE, and Mr. STEVENS):

S. 180. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. BUNNING, Mr. ENSIGN, Mr. HAGEL, Mr. MARTINEZ, Mr. VITTER, Mr. CHAMBLISS, Mr. STEVENS, and Mr. BROWNBACK):

S. 181. A bill to provide permanent tax relief from the marriage penalty; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. FEINGOLD, Mr. LEAHY, Ms. SNOWE, Mr. KENNEDY, and Mr. DURBIN):

S. 182. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 183. A bill to require the establishment of a corporate average fuel economy standard for passenger automobiles of 40 miles per gallon by 2017, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. LAUTENBERG, Ms. SNOWE, Mr. ROCKEFELLER, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. PRYOR, Mr. CARPER, Mr. BIDEN, Mr. BAUCUS, Mrs. CLINTON, and Mr. SCHUMER):

S. 184. A bill to provide improved rail and surface transportation security; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 185. A bill to restore habeas corpus for those detained by the United States; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 186. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 187. A bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself, Mr. LEAHY, Mr. REID, Mr. MENENDEZ, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 188. A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 189. A bill to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 190. A bill to provide a technical correction to the Pension Protection Act of 2006; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 191. A bill to provide relief for all air carriers with pension plans that are not frozen pension plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. FEINGOLD):

S. 192. A bill providing greater transparency with respect to lobbying activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CRAIG, Mr. SALAZAR, Ms. SNOWE, Ms. LANDRIEU, Mr. COLEMAN, Mr. LIEBERMAN, and Mr. HAGEL):

S. 193. A bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRAIG:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relative to require a balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 3. A resolution to elect Robert C. Byrd, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 4. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 5. A resolution notifying the House of Representatives of the election of a President pro tempore; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Res. 6. A resolution expressing the thanks of the Senate to the Honorable Ted Stevens for his service as President Pro Tempore of the United States Senate and to

designate Senator Stevens as President Pro Tempore Emeritus of the United States Senate; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 7. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 8. A resolution electing Nancy Erickson as Secretary of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 9. A resolution notifying the President of the United States of the election of the Secretary of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 10. A resolution notifying the House of Representatives of the election of a Secretary of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 11. A resolution electing Terrance W. Gainer as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 12. A resolution notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 13. A resolution notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. REID:

S. Res. 14. A resolution electing Martin P. Paone of Virginia as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 15. A resolution electing David J. Schiappa of Maryland as Secretary for the Minority of the Senate; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 16. A resolution to make effective appointment of the Senate Legal Counsel; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Res. 17. A resolution to make effective appointment of the Deputy Senate Legal Counsel; considered and agreed to.

By Mr. REID (for Mr. INOUYE):

S. Res. 18. A resolution expressing the sense of the Senate regarding designation of the month of November as ''National Military Family Month''; to the Committee on Armed Services.

By Mr. REID (for himself, Mr. MCCONNELL, Ms. STABENOW, Mr. LEVIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 19. A resolution honoring President Gerald Rudolph Ford; ordered held at the desk.

By Mrs. CLINTON:

S. Res. 20. A resolution recognizing the uncommon valor of Wesley Autry of New York, New York; to the Committee on the Judiciary.

By Mr. ALLARD:

S. Con. Res. 1. A concurrent resolution expressing the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, should be placed within the United States Capitol; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. MCCONNELL, Mr. DURBIN, Mr. LOTT, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. SCHUMER, Ms. MIKULSKI, Mrs. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. LAUTENBERG and Mr. MENENDEZ):

S. 1. A bill to provide greater transparency in the legislative process; placed on the calendar.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 101. SHORT TITLE.

This title may be cited as the ''Legislative Transparency and Accountability Act of 2007''.

SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report that includes any matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

''RULE XLIV

''EARMARKS

''1. In this rule—

''(1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

''(2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

''2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

''(1) all earmarks in such measure;

''(2) an identification of the Member or Members who proposed the earmark; and

''(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.''.

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

''7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.''.

(2) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).

SEC. 105. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting ''1.'' before ''Other'';

(2) inserting after ''Ex-Senators and Senators elect'' the following: '', except as provided in paragraph 2'';

(3) inserting after ''Ex-Secretaries and ex-Sergeants at Arms of the Senate'' the following: '', except as provided in paragraph 2'';

(4) inserting after ''Ex-Speakers of the House of Representatives'' the following: '', except as provided in paragraph 2''; and

(5) adding at the end the following:

''2. (a) The floor privilege provided in paragraph 1 shall not apply to an individual covered by this paragraph who is—

''(1) a registered lobbyist or agent of a foreign principal; or

''(2) is in the employ of or represents any party or organization for the purpose of influencing, directly, or indirectly, the passage, defeat, or amendment of any legislative proposal.

''(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.''.

SEC. 106. BAN ON GIFTS FROM LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting ''(A)'' after ''(2)''; and

(2) adding at the end the following:

''(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.''.

SEC. 107. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) IN GENERAL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

''(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

''(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

''(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

''(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent; and

''(iv) registered lobbyists will not participate in or attend the trip;

''(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

''(i) a detailed itinerary of the trip; and

''(ii) a determination that the trip—

''(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

''(II) is consistent with the official duties of the Member, officer, or employee;

''(III) does not create an appearance of use of public office for private gain; and

''(iii) has a minimal or no recreational component; and

''(C) obtain written approval of the trip from the Select Committee on Ethics.

''(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.''.

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

''(g) A Member, officer, or employee of the Senate shall—

''(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

''(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.''.

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking ''and'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(C) by adding at the end the following:

''(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President

or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

''(A) The date of the flight.

''(B) The destination of the flight.

''(C) The owner or lessee of the aircraft.

''(D) The purpose of the flight.

''(E) The persons on the flight, except for any person flying the aircraft.''.

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

''(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.''.

SEC. 108. POST EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

''(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.''.

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this title.

SEC. 109. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''14. A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after the election for his or her successor has been held, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.''.

SEC. 110. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and

(2) inserting after paragraph 9, the following:

''10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee and leadership offices) from having any official contact with the Member's spouse or immediate family member.

''(b) In this paragraph, the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.''.

SEC. 111. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

''6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) take or withhold, or offer or threaten to take or withhold, an official act; or

''(2) influence, or offer or threaten to influence the official act of another.''.

SEC. 112. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

SEC. 113. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading ''**medical services**'' under the heading ''**veterans health administration**''.

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2008.

SEC. 114. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

''I, Senator ____, intend to object to proceeding to ____, dated ____.''.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notices of Intent to Object to Proceeding''. Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) REMOVAL.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

''I, Senator ____, do not object to proceeding to ____, dated ____.''.

SEC. 115. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the ''Legislative Transparency and Accountability Act of 2007''.

Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the ''Act'') (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''Semiannual'' and inserting ''Quarterly'';

(B) by striking ''the semiannual period'' and all that follows through ''July of each year'' and inserting ''the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th day if that day is not a business day''; and

(C) by striking ''such semiannual period'' and inserting ''such quarterly period''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''semiannual report'' and inserting ''quarterly report'';

(B) in paragraph (2), by striking ''semiannual filing period'' and inserting ''quarterly period'';

(C) in paragraph (3), by striking ''semiannual period'' and inserting ''quarterly period''; and

(D) in paragraph (4), by striking ''semiannual filing period'' and inserting ''quarterly period''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking ''six month period'' and inserting ''three-month period''.

(2) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''.

(3) ENFORCEMENT.—Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking ''semiannual period'' and inserting ''quarterly period''.

(4) ESTIMATES.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(1), by striking ''semi-annual period'' and inserting ''quarterly period''.

(5) DOLLAR AMOUNTS.—

(A) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking ''$5,000'' and inserting ''$2,500'';

(ii) in subsection (a)(3)(A)(ii), by striking ''$20,000'' and inserting ''$10,000'';

(iii) in subsection (b)(3)(A), by striking ''$10,000'' and inserting ''$5,000''; and

(iv) in subsection (b)(4), by striking ''$10,000'' and inserting ''$5,000''.

(B) REPORTS.—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking ''$10,000'' and ''$20,000'' and inserting ''$5,000'' and ''$10,000'', respectively; and

(ii) in subsection (c)(2), by striking ''$10,000'' both places such term appears and inserting ''$5,000''.

SEC. 212. ANNUAL REPORT ON CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

''(d) ANNUAL REPORT ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the first day of October of each year referred to in subsection (a), a lobbyist registered under section 4(a)(1), or an employee who is a lobbyist of an organization registered under section 4(a)(2), shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

''(1) the name of the lobbyist;

''(2) the employer of the lobbyist;

''(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution equal to or exceeding $200 was made within the past year, and the date and amount of such contribution; and

''(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or otherwise sponsored, within the past year, and the date and location of the event.''.

SEC. 213. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registrations and reports filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).''.

(b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of the Act is amended by inserting before the semicolon the following: ''and, in the case of a report filed in electronic form under section 5(e), shall make such report available for public inspection over the Internet not more than 48 hours after the report is filed''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6(a) of the Act, as added by subsection (a).

SEC. 214. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603) is amended by striking ''or a covered legislative branch official'' and all that follows through ''as a lobbyist on behalf of the client,'' and inserting ''or a covered legislative branch official,''.

SEC. 215. DISCLOSURE OF LOBBYIST TRAVEL AND PAYMENTS.

Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

''(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made, including any payment or reimbursement made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

''(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

''(C) the names of any registrant or individual employed by the registrant who traveled on any such trip;

''(D) the identity of the listed sponsor or sponsors of travel; and

''(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the employee;

''(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

''(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

''(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

''(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

''(D) to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the one hundred dollar cumulative annual limit described in such rules) valued in excess of $20 given by a registrant or employee listed as a lobbyist to a covered legislative branch official or covered executive branch official;

''(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity.

For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. Information required by paragraph (5) shall be disclosed as provided in this Act not later than 30 days after the travel.''.

SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended by striking ''$50,000'' and inserting ''$100,000''.

SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

''(B) participates in a substantial way in the planning, supervision or control of such lobbying activities;''.

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:

''No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.''.

SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) by inserting ''(a)'' before ''The Secretary of the Senate'';

(2) in paragraph (8), by striking ''and'' at the end;

(3) in paragraph (9), by striking the period and inserting ''; and'';

(4) after paragraph (9), by inserting the following:

''(10) provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives the aggregate number of lobbyists and lobbying firms, separately accounted, referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8) on a semi-annual basis''; and

(5) by inserting at the end the following:

''(b) ENFORCEMENT REPORT.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate

and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi-annual basis the aggregate number of enforcement actions taken by the Attorney's office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.''.

SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

''(e) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.''.

SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DEFINITIONS.—Section 3 of the Act (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end of the following: ''Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying.''; and

(2) by adding at the end of the following:

''(17) GRASSROOTS LOBBYING.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

''(18) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

''(A) IN GENERAL.—The term 'paid efforts to stimulate grassroots lobbying' means any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact one or more covered legislative or executive branch officials (or Congress as a whole) to urge such officials (or Congress) to take specific action with respect to a matter described in section 3(8)(A), except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders.

''(B) PAID ATTEMPT TO INFLUENCE THE GENERAL PUBLIC OR SEGMENTS THEREOF.—The term 'paid attempt to influence the general public or segments thereof' does not include an attempt to influence directed at less than 500 members of the general public.

''(C) REGISTRANT.—For purposes of this paragraph, a person or entity is a member of a registrant if the person or entity—

''(i) pays dues or makes a contribution of more than a nominal amount to the entity;

''(ii) makes a contribution of more than a nominal amount of time to the entity;

''(iii) is entitled to participate in the governance of the entity;

''(iv) is 1 of a limited number of honorary or life members of the entity; or

''(v) is an employee, officer, director or member of the entity.

''(19) GRASSROOTS LOBBYING FIRM.—The term 'grassroots lobbying firm' means a person or entity that—

''(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

''(B) receives income of, or spends or agrees to spend, an aggregate of $25,000 or more for such efforts in any quarterly period.''.

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in the flush matter at the end of paragraph (3)(A), by adding at the end the following: ''For purposes of clauses (i) and (ii), the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying.''; and

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

''(4) FILING BY GRASSROOTS LOBBYING FIRMS.—Not later than 45 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.''.

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after ''total amount of all income'' the following: ''(including a separate good faith estimate of the total amount of income relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(B) inserting ''or a grassroots lobbying firm'' after ''lobbying firm'';

(2) in paragraph (4), by inserting after ''total expenses'' the following: ''(including a good faith estimate of the total amount of expenses relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(3) by adding at the end the following:

''Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.''.

(d) GOOD FAITH ESTIMATES AND DE MINIMIS RULES FOR PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

(1) IN GENERAL.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended to read as follows:

''(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, the following shall apply:

''(1) Estimates of income or expenses shall be made as follows:

''(A) Estimates of amounts in excess of $10,0000 shall be rounded to the nearest $20,000.

''(B) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

''(2) Estimates of income or expenses relating specifically to paid efforts to stimulate grassroots lobbying shall be made as follows:

''(A) Estimates of amounts in excess of $25,000 shall be rounded to the nearest $20,000.

''(B) In the event income or expenses do not exceed $25,000, the registrant shall include a statement that income or expenses totaled less than $25,000 for the reporting period.''.

(2) TAX REPORTING.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''and'' after the semicolon;

(ii) in paragraph (2), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''and'' after the semicolon;

(ii) in paragraph (2), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.''.

SEC. 221. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

''(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.''.

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

''(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

''(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registration statements and updates filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

''(2) ACCOUNTABILITY.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the internet not more than 48 hours after the registration statement or update is filed.''.

SEC. 222. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect January 1, 2008.

Subtitle B—Oversight of Ethics and Lobbying

SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) AUDIT REQUIRED.—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) ANNUAL REPORTS.—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for

effective oversight and enforcement of that Act.

SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) TRAINING PROGRAM.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) REQUIREMENTS.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

(5) for the creation of a third-party certification program that includes ethics training; and

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.

The Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate shall each issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate or House rules including the number received from third parties, from Members or staff within each House, or inquires raised by a Member or staff of the respective House or Senate committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction; or

(B) because they failed to provide sufficient facts as to any material violation of the House or Senate rules beyond mere allegation or assertion.

(3) The number of complaints in which the committee staff conducted a preliminary inquiry.

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

(5) The number of complaints that the staff presented to the committee with recommendation that the investigation proceed.

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

(8) The number of private letters of admonition or public letters of admonition issued.

(9) The number of matters resulting in a disciplinary sanction.

Subtitle C—Slowing the Revolving Door

SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) VERY SENIOR EXECUTIVE PERSONNEL.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking ''within 1 year'' and inserting ''within 2 years''.

(b) RESTRICTIONS ON LOBBYING BY MEMBERS OF CONGRESS AND EMPLOYEES OF CONGRESS.—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''within 1 year'' and inserting ''within 2 years'';

(2) by striking paragraphs (2) through (5) and inserting the following:

''(2) CONGRESSIONAL STAFF.—

''(A) PROHIBITION.—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(B) CONTACT PERSONS COVERED.—persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.'';

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (3); and

(4) by redesignating paragraph (7) as paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

The Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

''SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

''(a) PROHIBITION.—A registered lobbyist may not knowingly make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, unless the gift or travel may be accepted under the rules of the House of Representatives or the Senate.

''(b) PENALTY.—Any registered lobbyist who violates this section shall be subject to penalties provided in section 7.''.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007

SEC. 261. SHORT TITLE.

This subtitle may be cited as the ''Commission to Strengthen Confidence in Congress Act of 2007''.

SEC. 262. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch a commission to be known as the ''Commission to Strengthen Confidence in Congress'' (in this subtitle referred to as the ''Commission'').

SEC. 263. PURPOSES.

The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, 1 of which is a former member of the Senate;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party, 1 of which is a former member of the Senate;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, 1 of which is a former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, 1 of which is a former member of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Five members of the Commission shall be Democrats and 5 Republicans.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, government consulting, government contracting, the law, higher education, historian, business, public relations, and fundraising.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 265. FUNCTIONS OF COMMISSION.

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 263; or

(2) related to any other areas the commission unanimously votes to be relevant to its mandate to recommend reforms to strengthen ethical safeguards in Congress.

SEC. 266. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths.

(b) OBTAINING INFORMATION.—Upon request of the Commission, the head of any agency or instrumentality of the Federal Government shall furnish information deemed necessary by the panel to enable it to carry out its duties.

(c) LIMIT ON COMMISSION AUTHORITY.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

SEC. 267. ADMINISTRATION.

(a) COMPENSATION.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) TRAVEL EXPENSES AND PER DIEM.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Commission on a nonreimbursable basis. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.—

(1) IN GENERAL.—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.

(2) ADDITIONAL SUPPORT.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support services as the Commission may deem advisable and as may be authorized by law.

(f) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 269. COMMISSION REPORTS; TERMINATION.

(a) ANNUAL REPORTS.—The Commission shall submit—

(1) an initial report to Congress not later than July 1, 2007; and

(2) annual reports to Congress after the report required by paragraph (1);

containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADMINISTRATIVE ACTIVITIES.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and

(2) take action to appropriately disseminate such reports.

(c) TERMINATION OF COMMISSION.—

(1) FINAL REPORT.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

(2) TERMINATION.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.

SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.

Ms. COLLINS. Mr. President, I rise today to join my colleagues in cosponsoring S. 1, a bill to provide greater transparency in the legislative process.

The recent elections sent a clear message to Congress that the American people have lost confidence in their government. Without the support of the people, we cannot tackle the difficult issues that this Congress must face. This bill, then, is a critical part of restoring the people's trust by reforming ethics and lobbying rules.

It is important to remember that the conduct of most Members and their staffs is beyond reproach. Likewise, it is important to recognize that lobbying—whether done on behalf of the business community, an environmental organization, a children's advocacy group, or any other cause—can provide us with useful information and analysis that aids, but does not dictate, the decision-making process. Unfortunately, in the minds of many Americans, ''lobbying'' has come to be associated with expensive paid vacations masquerading as fact-finding trips, special access to Members and staff that an ordinary citizen could never hope to have, and undue influence that leads to decisions made in the best interest of the lobbyist and his or her client instead of the American people.

S. 1 which is nearly identical to a bill that was the product of bipartisan efforts by the Senate Committee on Homeland Security and Governmental Affairs and the Senate Committee on Rules and Administration and that was passed by this Senate just last year—includes a number of important provisions that will help to restore the public image of the United States Congress.

S. 1 bans gifts from lobbyists. This is clear, brightline rule that diminishes the appearance of impropriety that gifts can create.

S. 1 requires greater disclosure of the sponsors of and the purposes for earmarks included in a bill so that the people can know where tax dollars are being spent and why.

S. 1 eliminates floor privileges for former Members who are seeking to lobby other members. They will enjoy no more access to Senators and Congressmen than any other citizen.

S. 1 will eliminate the practice of anonymous holds in the Senate so that we can bring debate into the open and not simply kill a bill with a secret hold.

S. 1 will require enhanced disclosure of the activities of groups lobbying Congress so that the public can easily

find out which interests are trying to influence the decisions we make.

S. 1 will slow the revolving door between the Hill and the private sector by limiting the ability of departing Members and staff to lobby their former colleagues.

While I am pleased to be a cosponsor of this bill, I also believe strongly that it would be improved by the addition of an independent Office of Public Integrity within the Legislative Branch. This Office would be able to conduct nonpartisan investigations of possible ethics violations. These investigations would help to promote public confidence in the enforcement of any laws that we pass to enhance congressional ethics. During debate on this bill last year, an amendment that Senator LIEBERMAN, Senator MCCAIN, and I offered to create this Office was defeated. However, I hope my colleagues have taken the lessons of the recent elections to heart and that the idea of an Office of Public Integrity will be approved this year. To that end, I am also cosponsoring Senator MCCAIN's lobbying reform package, which he has introduced today and which contains a number of the provisions of S. 1 as well as creating an independent Office of Public Integrity.

I once again commend my colleagues on recognizing the importance of this issue by making it our first priority in the 110th Congress. I urge the Senate to work quickly to get this legislation finished so that we can move on from the task of governing ourselves and get down to the business of governing our Nation.

By Mr. REID (for himself, Mr. BAUCUS, Mr. LEAHY, Ms. MIKULSKI, Mr. SCHUMER, Mrs. CLINTON, Ms. CANTWELL, Mr. KOHL, Ms. STABENOW, and Mr. WEBB):

S. 3. A bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3

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

SECTION 1. SHORT TITLE; SENSE OF THE CONGRESS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Prescription Drug Price Negotiation Act of 2007''.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Congress should enact, and the President should sign, legislation to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

By Mr. REID (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEAHY, Mr. SCHUMER, Ms. CANTWELL, Mr. LAUTENBERG, Ms. STABENOW, Mr. WEBB, MR. MENENDEZ, and Ms. LANDRIEU):

S. 4. A bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4

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 ''Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively and to improve homeland security.

By Mr. REID (for himself, Mr. HARKIN, Mr. SPECTER, Mr. KENNEDY, Mr. HATCH, Mrs. FEINSTEIN, Mr. SMITH, Mr. DURBIN, Mr. LAUTENBERG, Ms. SNOWE, Mr. SCHUMER, Ms. MIKULSKI, Mrs. CLINTON, Ms. CANTWELL, Mr. FEINGOLD, Mr. LEAHY, Mr. KOHL, Ms. STABENOW, Mr. WEBB, Mr. KERRY, Mrs. LINCOLN, Mr. DODD, Mr. MENENDEZ, Mr. REED, Mr. AKAKA, Mrs. BOXER, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. LEVIN, Mr. OBAMA, and Mr. INOUYE):

S. 5. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; read the first time.

(The bill will be printed in a future edition of the RECORD.)

By Mr. REID (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. SCHUMER, Mr. LIEBERMAN, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. SALAZAR, and Mr. MENENDEZ):

S. 6. A bill to enhance the security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 6

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 ''National Energy and Environmental Security Act of 2007''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, legislation to enhance the security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming by—

(1) requiring reductions in emissions of greenhouse gases;

(2) diversifying and expanding the use of secure, efficient, and environmentally-friendly energy supplies and technologies;

(3) reducing the burdens on consumers of rising energy prices;

(4) eliminating tax giveaways to large energy companies; and

(5) preventing energy price gouging, profiteering, and market manipulation.

By Mr. REID (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. LIEBERMAN, Mr. AKAKA, Ms. CANTWELL, Mr. BINGAMAN, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Ms. STABENOW, Mr. WEBB, Mr. MENENDEZ, Ms. LANDRIEU, Mr. SANDERS, Mr. REED, and Mr. DODD):

S. 7. A bill to amend title IV of the Higher Education Act of 1965 and other laws and provisions and urge Congress to make college more affordable through increased Federal Pell Grants and providing more favorable student loans and other benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 7

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 ''College Opportunity Act of 2007''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the Congress should enact, and the President should sign, legislation to amend title IV of the Higher Education Act of 1965 and other laws and provisions to make college more affordable through increased Federal Pell Grants and providing more favorable student loans and other benefits.

By Mr. REID (for himself, Mr. LEVIN, Mr. SCHUMER, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. WEBB, Mr. MENENDEZ, and Ms. LANDRIEU):

S. 8. A bill to restore and enhance the capabilities of the Armed Forces, to

enhance the readiness of the Armed Forces, to support the men and women of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 8

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 ''Rebuilding America's Military Act of 2007''.

SEC. 2. SENSE OF CONGRESS ON RESTORATION AND ENHANCEMENT OF THE ARMED FORCES OF THE UNITED STATES.

It is the sense of Congress that Congress should enact legislation—

(1) to restore and enhance the capabilities of the Armed Forces for deterrence, combat, and post-conflict operations;

(2) to enhance the readiness of the Armed Forces, including by the reset of military equipment; and

(3) to support the men and women of the Armed Forces, including the members of the National Guard and Reserves, through the provision of quality health care and enhanced educational assistance.

By Mr. REID (for himself, Mr. LEAHY, Mr. SCHUMER, Ms. CANTWELL, and Ms. STABENOW):

S. 9. A bill to recognize the heritage of the United States as a nation of immigrants and to amend the Immigration and Nationality Act to provide for more effective border and employment enforcement, to prevent illegal immigration, and to reform and rationalize avenues for legal immigration, and for other purposes; to the Committee on the Judiciary.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 9

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 ''Comprehensive Immigration Reform Act of 2007''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the Senate and the House of Representatives should pass, and the President should sign, legislation to recognize the heritage of the United States as a nation of immigrants and to amend the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) to provide for more effective border and employment enforcement, to prevent illegal immigration, and to reform and rationalize avenues for legal immigration.

By Mr. REID (for himself, Mr. CONRAD, Mr. FEINGOLD, Mr. SCHUMER, Mr. SALAZAR, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, Mr. MENENDEZ, Mr. KERRY, Mr. HARKIN, Ms. LANDRIEU, Mr. DURBIN, and Mr. OBAMA):

S. 10 A bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility; to the Committee on the Budget.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 10

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 ''Restoring Fiscal Discipline Act of 2007''.

SEC. 2. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—For purposes of Senate enforcement, it shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the 4 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time periods'' means any 1 of the 4 following periods:

(A) The current year.

(B) The budget year.

(C) The period of the 5 fiscal years following the current year.

(D) The period of the 5 fiscal years following the 5 fiscal years referred to in subparagraph (C).

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2012.

SEC. 3. RECONCILIATION FOR DEFICIT REDUCTION OR INCREASING THE SURPLUS IN THE SENATE.

(a) IN GENERAL.—It shall not be in order in the Senate to consider under the expedited procedures applicable to reconciliation in sections 305 and 310 of the Congressional Budget Act of 1974 any bill, resolution, amendment, amendment between Houses, motion, or conference report that increases the deficit or reduces the surplus in the first fiscal year covered by the most recently adopted concurrent resolution on the budget, the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget, or the period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(b) BUDGET RESOLUTION.—It shall not be in order in the Senate to consider pursuant to sections 301, 305, or 310 of the Congressional Budget Act of 1974 pertaining to concurrent resolutions on the budget any resolution, concurrent resolution, amendment, amendment between the Houses, motion, or conference report that contains any reconciliation directive that would increase the deficit or reduce the surplus in the first fiscal year covered by the most recently adopted concurrent resolution on the budget, the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget, or the period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

By Mr. REID (for himself, Mrs. CLINTON, MRS. MURRAY, Mrs. BOXER, Mr. AKAKA, Mr. KERRY, Mr. LEAHY, Mr. OBAMA, Mr. SCHUMER, Mr. LAUTENBERG, Mr. KENNEDY, Mr. HARKIN, Mr. MENENDEZ, and Mr. INOUYE):

S. 21. A bill to expand access to preventive health care services that help

reduce unintended pregnancy, reduce abortions, and improve access to women's health care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 21

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 ''Prevention First Act''.

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

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Healthy People 2010 sets forth a reduction of unintended pregnancies as an important health objective for the Nation to achieve over the first decade of the new century, a goal first articulated in the 1979 Surgeon General's Report, Healthy People, and reiterated in Healthy People 2000: National Health Promotion and Disease Prevention Objectives.

(2) Although the Centers for Disease Control and Prevention (referred to in this section as the ''CDC'') included family planning in its published list of the Ten Great Public Health Achievements in the 20th Century, the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(3) Each year, 3,000,000 pregnancies, nearly half of all pregnancies, in the United States are unintended, and nearly half of unintended pregnancies end in abortion.

(4) In 2004, 34,400,000 women, half of all women of reproductive age, were in need of contraceptive services and supplies to help prevent unintended pregnancy, and nearly half of those were in need of public support for such care.

(5) The United States has the highest rate of infection with sexually transmitted diseases of any industrialized country. In 2005, there were approximately 19,000,000 new cases of sexually transmitted diseases, almost half of them occurring in young people ages 15 to 24. According to the CDC, these sexually transmitted diseases impose a tremendous economic burden with direct medical costs as high as $14,100,000,000 per year.

(6) Increasing access to family planning services will improve women's health and reduce the rates of unintended pregnancy, abortion, and infection with sexually transmitted diseases. Contraceptive use saves public health dollars. For every dollar spent to increase funding for family planning programs under title X of the Public Health Service Act, $3.80 is saved.

(7) Contraception is basic health care that improves the health of women and children by enabling women to plan and space births.

(8) Women experiencing unintended pregnancy are at greater risk for physical abuse and women having closely spaced births are at greater risk of maternal death.

(9) A child born from an unintended pregnancy is at greater risk than a child born from an intended pregnancy of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(10) The ability to control fertility allows couples to achieve economic stability by facilitating greater educational achievement and participation in the workforce.

(11) Without contraception, a sexually active woman has an 85 percent chance of becoming pregnant within a year.

(12) The percentage of sexually active women ages 15 through 44 who were not using contraception increased from 5.4 percent to 7.4 percent in 2002, an increase of 37 percent, according to the CDC. This represents an apparent increase of 1,430,000 women and could raise the rate of unintended pregnancy.

(13) Many poor and low-income women cannot afford to purchase contraceptive services and supplies on their own. In 2003, 20.5 percent of all women ages 15 through 44 were uninsured.

(14) Public health programs, such as the Medicaid program and family planning programs under title X of the Public Health Service Act, provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals who may otherwise lack access to health care.

(15) The Medicaid program is the single largest source of public funding for family planning services and HIV/AIDS care in the United States. Half of all public dollars spent on contraceptive services and supplies in the United States are provided through the Medicaid program and more than 6,000,000 low-income women of reproductive age rely on such program for their basic health care needs.

(16) Each year, family planning services provided under title X of the Public Health Service Act enable people in the United States to prevent approximately 1,000,000 unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for sexually transmitted diseases does so at a clinic receiving funds under such title. In 2005, such clinics provided 2.5 million Pap smears, over 5.3 million sexually transmitted disease tests, and over 6.2 million HIV tests.

(17) The combination of an increasing number of uninsured individuals, stagnant funding for family planning, health care inflation, new and expensive contraceptive technologies, increasing costs of contraceptives, and improved but expensive screening and treatment for cervical cancer and sexually transmitted diseases, has diminished the ability of clinics receiving funds under title X of the Public Health Service Act to adequately serve all individuals in need of services of such clinics. Taking inflation into account, funding for the family planning programs under such title declined by 59 percent between 1980 and 2005.

(18) While the Medicaid program remains the largest source of subsidized family planning services, States are facing significant budgetary pressures to cut their Medicaid programs, putting many women at risk of losing coverage for family planning services.

(19) In addition, eligibility under the Medicaid program in many States is severely restricted, which leaves family planning services financially out of reach for many poor women. Many States have demonstrated tremendous success with Medicaid family planning waivers that allow States to expand access to Medicaid family planning services. However, the administrative burden of applying for a waiver poses a significant barrier to States that would like to expand their coverage of family planning programs through Medicaid.

(20) As of December of 2006, 24 States offered expanded family planning benefits as a result of Medicaid family planning waivers. The cost-effectiveness of these waivers was affirmed by a recent evaluation funded by the Centers for Medicare & Medicaid Services. This evaluation of six waivers found that all family planning programs under such waivers resulted in significant savings to both the Federal and State governments. Moreover, the researchers found measurable reductions in unintended pregnancy.

(21) Although employer-sponsored health plans have improved coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws,

there is still significant room for improvement. The ongoing lack of coverage in health insurance plans, particularly in self-insured and individual plans, continues to place effective forms of contraception beyond the financial reach of many women.

(22) Including contraceptive coverage in private health care plans saves employers money. Not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(23) Approved for use by the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. New research confirms that easier access to emergency contraceptives does not increase sexual risk-taking or sexually transmitted diseases.

(24) The available evidence shows that many women do not know about emergency contraception, do not know where to get it, or are unable to access it. Overcoming these obstacles could help ensure that more women use emergency contraception consistently and correctly.

(25) A November 2006 study of declining pregnancy rates among teens concluded that the reduction in teen pregnancy between 1995 and 2002 is primarily the result of increased use of contraceptives. As such, it is critically important that teens receive accurate, unbiased information about contraception.

(26) The American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Public Health Association, and the Society for Adolescent Medicine, support responsible sexuality education that includes information about both abstinence and contraception.

(27) Teens who receive comprehensive sexuality education that includes discussion of contraception as well as abstinence are more likely than those who receive abstinence-only messages to delay sex, to have fewer partners, and to use contraceptives when they do become sexually active.

(28) Government-funded abstinence-only-until-marriage programs are precluded from discussing contraception except to talk about failure rates. An October 2006 report by the Government Accountability Office found that the Department of Health and Human Services does not review the materials of recipients of grants administered by such department for scientific accuracy and requires grantees to review their own materials for scientific accuracy. The GAO also reported on the Department's total lack of appropriate and customary measurements to determine if funded programs are effective. In addition, a separate letter from the Government Accountability Office found that the Department of Health and Human Services is in violation of Federal law by failing to enforce a requirement under the Public Health Service Act that Federally-funded grantees working to address the prevention of sexually transmitted diseases, including abstinence-only-until-marriage programs, must provide medically accurate information about the effectiveness of condoms.

(29) Recent scientific reports by the Institute of Medicine, the American Medical Association, and the Office on National AIDS Policy stress the need for sexuality education that includes messages about abstinence and provides young people with information about contraception for the prevention of teen pregnancy, HIV/AIDS, and other sexually transmitted diseases.

(30) A 2006 statement from the American Public Health Association (''APHA'') ''recognizes the importance of abstinence education, but only as part of a comprehensive sexuality education program . . . APHA calls for repealing current federal funding for abstinence-only programs and replacing it with funding for a new Federal program to promote comprehensive sexuality education, combining information about abstinence with age-appropriate sexuality education.''

(31) Comprehensive sexuality education programs respect the diversity of values and beliefs represented in the community and will complement and augment the sexuality education children receive from their families.

(32) Nearly half of the 40,000 annual new cases of HIV infections in the United States occur in youth ages 13 through 24. African American and Latino youth have been disproportionately affected by the HIV/AIDS epidemic. Although African American adolescents, ages 13 through 19, represent only 15 percent of the adolescent population in the United States, they accounted for 73 percent of new AIDS cases reported among adolescents in 2004. Latino adolescents, ages age 13 through 19, accounted for 14 percent of AIDS cases among adolescents, compared to 16 percent of all adolescents in the United States, in 2004. Teens in the United States contract an estimated 9.1 million sexually transmitted infections each year. By age 24, at least one in four sexually active people between the ages of 15 and 24 will have contracted a sexually transmitted disease.

(33) Approximately 50 young people a day, an average of two young people every hour of every day, are infected with HIV in the United States.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Title X Family Planning Services Act of 2007''.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of making grants and contracts under section 1001 of the Public Health Service Act, there are authorized to be appropriated $700,000,000 for fiscal year 2008 and such sums as may be necessary for each subsequent fiscal year.

TITLE II—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Equity in Prescription Insurance and Contraceptive Coverage Act of 2007''.

SEC. 202. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 714. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

''(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

''(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

''(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

''(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed—

''(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

''(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

''(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

''(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

''(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

''(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

''(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

''(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or

devices that may be obtained on the basis of a single consultation with a professional; or

''(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

''(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

''(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for participants or beneficiaries that are greater than the coverage or protections provided under this section.

''(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Standards relating to benefits for contraceptives''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2008.

SEC. 203. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

''(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

''(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

''(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

''(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed—

''(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

''(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

''(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

''(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

''(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

''(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

''(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

''(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

''(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

''(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

''(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for enrollees that are greater than the coverage or protections provided under this section.

''(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 2008.

SEC. 204. AMENDMENT TO PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following:

''SEC. 2753. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2008.

TITLE III—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Emergency Contraception Education Act of 2007''.

SEC. 302. EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION PROGRAMS.

(a) DEFINITIONS.—For purposes of this section:

(1) EMERGENCY CONTRACEPTION.—The term ''emergency contraception'' means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) or a drug regimen that is—

(A) used after sexual relations;

(B) prevents pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus; and

(C) approved by the Food and Drug Administration.

(2) HEALTH CARE PROVIDER.—The term ''health care provider'' means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) EMERGENCY CONTRACEPTION PUBLIC EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information on emergency contraception.

(2) DISSEMINATION.—The Secretary may disseminate information under paragraph (1) directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics, and the media.

(3) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception and an explanation of the use, safety, efficacy, and availability of such contraception.

(c) EMERGENCY CONTRACEPTION INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with major medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum—

(A) information describing the use, safety, efficacy, and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b) for distribution to the patients of the providers.

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

TITLE IV—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

SEC. 401. SHORT TITLE.

This title may be cited as the ''Compassionate Assistance for Rape Emergencies Act of 2007''.

SEC. 402. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.

(a) IN GENERAL.—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''emergency contraception'' means a drug, drug regimen, or device that—

(A) is used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term ''hospital'' has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(4) The term ''sexual assault'' means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE; AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

TITLE V—AT-RISK COMMUNITIES TEEN PREGNANCY PREVENTION ACT

SEC. 501. SHORT TITLE.

This title may be cited as the ''At-Risk Communities Teen Pregnancy Prevention Act of 2007''.

SEC. 502. TEEN PREGNANCY PREVENTION.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this title as the ''Secretary'') shall make grants to public and nonprofit private entities for the purpose of carrying out projects to prevent teen pregnancies in communities with a substantial incidence or prevalence of cases of teen pregnancy as compared to the average number of such cases in communities in the State involved (referred to in this title as ''eligible communities'').

(b) REQUIREMENTS REGARDING PURPOSE OF GRANTS.—A grant may be made under subsection (a) only if, with respect to the expenditure of the grant to carry out the purpose described in such subsection, the applicant involved agrees to use one or more of the following strategies:

(1) Promote effective communication among families about preventing teen pregnancy, particularly communication among parents or guardians and their children.

(2) Educate community members about the consequences of teen pregnancy.

(3) Encourage young people to postpone sexual activity and prepare for a healthy, successful adulthood.

(4) Provide educational information, including medically accurate contraceptive information, for young people in such communities who are already sexually active or are at risk of becoming sexually active and inform young people in such communities about the responsibilities and consequences of being a parent, and how early pregnancy and parenthood can interfere with educational and other goals.

(c) UTILIZING EFFECTIVE STRATEGIES.—A grant may be made under subsection (a) only if the applicant involved agrees that, in carrying out the purpose described in such subsection, the applicant will, whenever possible, use strategies that have been demonstrated to be effective, or that incorporate characteristics of effective programs.

(d) REPORT.—A grant may be made under subsection (a) only if the applicant involved agrees to submit to the Secretary, in accordance with the criteria of the Secretary, a report that provides information on the project under such subsection, including outcomes. The Secretary shall make such reports available to the public.

(e) EVALUATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall, directly or through contract, provide for evaluations of six projects under subsection (a). Such evaluations shall describe—

(1) the activities carried out with the grant; and

(2) how such activities increased education and awareness services relating to the prevention of teen pregnancy.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 503. SCHOOL-BASED PROJECTS.

(a) IN GENERAL.—The Secretary of Health and Human Services may make grants to public and nonprofit private entities for the purpose of establishing and operating for eligible communities, in association with public secondary schools for such communities, projects for one or more of the following:

(1) To carry out activities, including counseling, to prevent teen pregnancy.

(2) To provide necessary social and cultural support services regarding teen pregnancy.

(3) To provide health and educational services related to the prevention of teen pregnancy.

(4) To promote better health and educational outcomes among pregnant teens.

(5) To provide training for individuals who plan to work in school-based support programs regarding the prevention of teen pregnancy.

(b) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to providing for projects under such subsection in eligible communities.

(c) REQUIRED COALITION.—A grant may be made under subsection (a) only if the applicant involved has formed an appropriate coalition of entities for purposes of carrying out a project under such subsection, including—

(1) one or more public secondary schools for the eligible community involved; and

(2) entities to provide the services of the project.

(d) TRAINING.—A grant under subsection (a) may be expended to train individuals to provide the services described in paragraphs (1) and (2) of such subsection for the project involved.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 504. MULTIMEDIA CAMPAIGNS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to

public and nonprofit private entities for the purpose of carrying out multimedia campaigns to provide public education and increase awareness with respect to the issue of teen pregnancy and related social and emotional issues.

(b) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to campaigns described in such subsection that are directed toward eligible communities.

(c) REQUIREMENTS.—A grant may be made under subsection (a) only if the applicant involved agrees that the multimedia campaign under such subsection will—

(1) provide information on the prevention of teen pregnancy;

(2) provide information that identifies organizations in the communities involved that—

(A) provide health and educational services related to the prevention of teen pregnancy; and

(B) provide necessary social and cultural support services; and

(3) coincide with efforts of the National Clearinghouse for Teen Pregnancy Prevention that are made under section 505(b)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 505. NATIONAL CLEARINGHOUSE.

(a) IN GENERAL.—The Secretary shall make grants to a nonprofit private entity to establish and operate a National Clearinghouse for Teen Pregnancy Prevention (referred to in this section as the ''Clearinghouse'') for the purposes described in subsection (b).

(b) PURPOSES OF CLEARINGHOUSE.—The purposes referred to in subsection (a) regarding the Clearinghouse are as follows:

(1) To provide information and technical assistance to States, Indian tribes, local communities, and other public or private entities to develop content and messages for teens and adults that address and seek to reduce the rate of teen pregnancy.

(2) To support parents in their essential role in preventing teen pregnancy by equipping parents with information and resources to promote and strengthen communication with their children about sex, values, and positive relationships, including healthy relationships.

(c) REQUIREMENTS FOR GRANTEE.—A grant may be made under subsection (a) only if the applicant involved is an organization that meets the following conditions:

(1) The organization is a nationally recognized, nonpartisan organization that focuses exclusively on preventing teen pregnancy and has at least 10 years of experience in working with diverse groups to reduce the rate of teen pregnancy.

(2) The organization has a demonstrated ability to work with and provide assistance to a broad range of individuals and entities, including teens; parents; the entertainment and news media; State, tribal, and local organizations; networks of teen pregnancy prevention practitioners; businesses; faith and community leaders; and researchers.

(3) The organization has experience in the use of culturally competent and linguistically appropriate methods to address teen pregnancy in eligible communities.

(4) The organization conducts or supports research and has experience with scientific analyses and evaluations.

(5) The organization has comprehensive knowledge and data about strategies for the prevention of teen pregnancy.

(6) The organization has experience in carrying out functions similar to the functions described in subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 506. RESEARCH.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall make grants to public or nonprofit private entities to conduct, support, and coordinate research on the prevention of teen pregnancy in eligible communities, including research on the factors contributing to the disproportionate rates of teen pregnancy in such communities.

(b) RESEARCH.—In carrying out subsection (a), the Secretary shall support research that—

(1) investigates and determines the incidence and prevalence of teen pregnancy in communities described in such subsection;

(2) examines—

(A) the extent of the impact of teen pregnancy on—

(i) the health and well-being of teenagers in the communities; and

(ii) the scholastic achievement of such teenagers;

(B) the variance in the rates of teen pregnancy by—

(i) location (such as inner cities, inner suburbs, and outer suburbs);

(ii) population subgroup (such as Hispanic, Asian-Pacific Islander, African-American, Native American); and

(iii) level of acculturation;

(C) the importance of the physical and social environment as a factor in placing communities at risk of increased rates of teen pregnancy; and

(D) the importance of aspirations as a factor affecting young women's risk of teen pregnancy; and

(3) is used to develop—

(A) measures to address race, ethnicity, socioeconomic status, environment, and educational attainment and the relationship to the incidence and prevalence of teen pregnancy; and

(B) efforts to link the measures to relevant databases, including health databases.

(c) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to research that incorporates—

(1) interdisciplinary approaches; or

(2) a strong emphasis on community-based participatory research.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 507. GENERAL REQUIREMENTS.

(a) MEDICALLY ACCURATE INFORMATION.—A grant may be made under this title only if the applicant involved agrees that all information provided pursuant to the grant will be age-appropriate, factually and medically accurate and complete, and scientifically based.

(b) CULTURAL CONTEXT OF SERVICES.—A grant may be made under this title only if the applicant involved agrees that information, activities, and services under the grant that are directed toward a particular population group will be provided in the language and cultural context that is most appropriate for individuals in such group.

(c) APPLICATION FOR GRANT.—A grant may be made under this title only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the program involved.

SEC. 508. DEFINITIONS.

For purposes of this title:

(1) The term ''eligible community'' has the meaning indicated for such term in section 502(a).

(2) The term ''racial or ethnic minority or immigrant communities'' means communities with a substantial number of residents who are members of racial or ethnic minority groups or who are immigrants.

(3) The term ''Secretary'' has the meaning indicated for such term in section 502(a).

TITLE VI—ACCURACY OF CONTRACEPTIVE INFORMATION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Truth in Contraception Act of 2007''.

SEC. 602. ACCURACY OF CONTRACEPTIVE INFORMATION.

Notwithstanding any other provision of law, any information concerning the use of a contraceptive provided through any federally funded sex education, family life education, abstinence education, comprehensive health education, or character education program shall be medically accurate and shall include health benefits and failure rates relating to the use of such contraceptive.

TITLE VII—UNINTENDED PREGNANCY REDUCTION ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Unintended Pregnancy Reduction Act of 2007''.

SEC. 702. MEDICAID; CLARIFICATION OF COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.

Section 1937(b) of the Social Security Act (42 U.S.C. 1396u–7(b)) is amended by adding at the end the following:

''(5) COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless such coverage includes for any individual described in section 1905(a)(4)(C), medical assistance for family planning services and supplies in accordance with such section.''.

SEC. 703. EXPANSION OF FAMILY PLANNING SERVICES.

(a) COVERAGE AS MANDATORY CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is amended—

(A) in subclause (VI), by striking ''or'' at the end;

(B) in subclause (VII), by adding ''or'' at the end; and

(C) by adding at the end the following new subclause:

''(VIII) who are described in subsection (dd) (relating to individuals who meet the income standards for pregnant women);''.

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

''(dd)(1) Individuals described in this subsection are individuals who—

''(A) meet at least the income eligibility standards established under the State plan as of January 1, 2007, for pregnant women or such higher income eligibility standard for such women as the State may establish; and

''(B) are not pregnant.

''(2) At the option of a State, individuals described in this subsection may include individuals who are determined to meet the income eligibility standards referred to in paragraph (1)(A) under the terms and conditions applicable to making eligibility determinations for medical assistance under this title under a waiver to provide the benefits described in clause (XV) of the matter following subparagraph (G) of section 1902(a)(10) granted to the State under section 1115 as of January 1, 2007.''.

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking ''and (XIV)'' and inserting ''(XIV)''; and

(B) by inserting '', and (XV) the medical assistance made available to an individual described in subsection (dd) who is eligible for medical assistance only because of subparagraph (A)(10)(i)(VIII) shall be limited to family planning services and supplies described in 1905(a)(4)(C) and, at the State's option, medical diagnosis or treatment services that are provided in conjunction with a family planning service in a family planning setting provided during the period in which such an individual is eligible;'' after ''cervical cancer''.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xii), by striking ''or'' at the end;

(B) in clause (xii), by adding ''or'' at the end; and

(C) by inserting after clause (xiii) the following:

''(xiv) individuals described in section 1902(dd),''.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

''PRESUMPTIVE ELIGIBILITY FOR FAMILY PLANNING SERVICES

''SEC. 1920C. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(dd) (relating to individuals who meet the income eligibility standard for pregnant women in the State) during a presumptive eligibility period. In the case of an individual described in section 1902(dd) who is eligible for medical assistance only because of subparagraph (A)(10)(i)(VIII), such medical assistance may be limited to family planning services and supplies described in 1905(a)(4)(C) and, at the State's option, medical diagnosis or treatment services that are provided in conjunction with a family planning service in a family planning setting provided during the period in which such an individual is eligible.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

''(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(dd); and

''(B) ends with (and includes) the earlier of—

''(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

''(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

''(2) QUALIFIED ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

''(i) is eligible for payments under a State plan approved under this title; and

''(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

''(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency shall provide qualified entities with—

''(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

''(B) information on how to assist such individuals in completing and filing such forms.

''(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

''(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

''(B) inform such individual at the time the determination is made that an application for medical assistance is required to be made by not later than the last day of the month following the month during which the determination is made.

''(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance by not later than the last day of the month following the month during which the determination is made.

''(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

''(1) is furnished to an individual described in subsection (a)—

''(A) during a presumptive eligibility period;

''(B) by a entity that is eligible for payments under the State plan; and

''(2) is included in the care and services covered by the State plan, shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ''and provide for making medical assistance available to individuals described in subsection (a) of section 1920C during a presumptive eligibility period in accordance with such section.''.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking ''or for'' and inserting '', for''; and

(ii) by inserting before the period the following: '', or for medical assistance provided to an individual described in subsection (a) of section 1920C during a presumptive eligibility period under such section''.

SEC. 704. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this title take effect on October 1, 2007.

(b) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this title, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

TITLE VIII—RESPONSIBLE EDUCATION ABOUT LIFE ACT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Responsible Education About Life Act of 2007''.

SEC. 802. ASSISTANCE TO REDUCE TEEN PREGNANCY, HIV/AIDS, AND OTHER SEXUALLY TRANSMITTED DISEASES AND TO SUPPORT HEALTHY ADOLESCENT DEVELOPMENT.

(a) IN GENERAL.—Each eligible State shall be entitled to receive from the Secretary of Health and Human Services, for each of the fiscal years 2008 through 2012, a grant to conduct programs of family life education, including education on both abstinence and contraception for the prevention of teenage pregnancy and sexually transmitted diseases, including HIV/AIDS.

(b) REQUIREMENTS FOR FAMILY LIFE PROGRAMS.—For purposes of this title, a program of family life education is a program that—

(1) is age-appropriate and medically accurate;

(2) does not teach or promote religion;

(3) teaches that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(4) stresses the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

(5) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(6) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(7) encourages family communication between parent and child about sexuality;

(8) teaches young people the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances; and

(9) teaches young people how alcohol and drug use can effect responsible decision making.

(c) ADDITIONAL ACTIVITIES.—In carrying out a program of family life education, a State may expend a grant under subsection

(a) to carry out educational and motivational activities that help young people—

(1) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(2) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS throughout their lifespan;

(3) gain knowledge about the specific involvement and responsibility of males in sexual decision making;

(4) develop healthy attitudes and values about adolescent growth and development, body image, racial and ethnic diversity, and other related subjects;

(5) develop and practice healthy life skills, including goal-setting, decision making, negotiation, communication, and stress management;

(6) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including friendships, dating, romantic involvement, marriage and family interactions; and

(7) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

SEC. 803. SENSE OF CONGRESS.

It is the sense of Congress that while States are not required under this title to provide matching funds, with respect to grants authorized under section 802(a), they are encouraged to do so.

SEC. 804. EVALUATION OF PROGRAMS.

(a) IN GENERAL.—For the purpose of evaluating the effectiveness of programs of family life education carried out with a grant under section 802, evaluations of such program shall be carried out in accordance with subsections (b) and (c).

(b) NATIONAL EVALUATION.—

(1) IN GENERAL.—The Secretary shall provide for a national evaluation of a representative sample of programs of family life education carried out with grants under section 802. A condition for the receipt of such a grant is that the State involved agree to cooperate with the evaluation. The purposes of the national evaluation shall be the determination of—

(A) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(B) the effectiveness of such programs in preventing adolescent pregnancy;

(C) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS;

(D) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs; and

(E) a list of best practices based upon essential programmatic components of evaluated programs that have led to success in subparagraphs (A) through (D).

(2) REPORT.—A report providing the results of the national evaluation under paragraph (1) shall be submitted to Congress not later than March 31, 2011, with an interim report provided on an annual basis at the end of each fiscal year.

(c) INDIVIDUAL STATE EVALUATIONS.—

(1) IN GENERAL.—A condition for the receipt of a grant under section 802 is that the State involved agree to provide for the evaluation of the programs of family education carried out with the grant in accordance with the following:

(A) The evaluation will be conducted by an external, independent entity.

(B) The purposes of the evaluation will be the determination of—

(i) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(ii) the effectiveness of such programs in preventing adolescent pregnancy;

(iii) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS; and

(iv) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs.

(2) USE OF GRANT.—A condition for the receipt of a grant under section 802 is that the State involved agree that not more than 10 percent of the grant will be expended for the evaluation under paragraph (1).

SEC. 805. DEFINITIONS.

For purposes of this title:

(1) The term ''eligible State'' means a State that submits to the Secretary an application for a grant under section 802 that is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

(2) The term ''HIV/AIDS'' means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(3) The term ''medically accurate'', with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.

(4) The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 806. APPROPRIATIONS.

(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

(b) ALLOCATIONS.—Of the amounts appropriated under subsection (a) for a fiscal year—

(1) not more than 7 percent may be used for the administrative expenses of the Secretary in carrying out this title for that fiscal year; and

(2) not more than 10 percent may be used for the national evaluation under section 804(b).

By Mr. WEBB:

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; to the Committee on Veterans' Affairs.

Mr. WEBB. Mr. President, I rise today to speak in support of a bill that I am introducing, entitled the Post–9/11 Veterans Educational Assistance Act of 2007. This bill is designed to expand the educational benefits that our Nation offers to the brave men and women who have served us so honorably since the terrorist attacks of September 11, 2001.

As a veteran who hails from a family with a long history of military service, I am proud to offer this bill as my first piece of legislation in the United States Senate.

Most of us know that our country has a tradition—since World War II—of offering educational assistance to returning veterans. In the 1940s, the first G.I. bill helped transform notions of equality in American society. The G.I. bill program was designed to help veterans readjust to civilian life, avoid high levels of unemployment, and give veterans the opportunity to receive the education and training that they missed while bravely serving in the military.

To achieve these goals, the post-World War II G.I. bill paid for veterans' tuition, books, fees, and other training costs, and also gave a monthly stipend. After World War II, 7.8 million veterans used the benefits given under the original G.I. bill in some form, out of a wartime veteran population of 15 million.

Over the last several decades, Congress subsequently passed several other G.I. bills, which also gave educational benefits to veterans. However, benefits awarded under those subsequent bills have not been as generous as our Nation's original G.I. bill.

Currently, veterans' educational benefits are administered under the Montgomery G.I. bill. This program periodically adjusts veterans' educational benefits, but the program is designed primarily for peacetime—not wartime—service.

Yet, now our Nation is fighting a worldwide war against terrorism. Since 9/11, we have witnessed a sharp increase in the demands placed upon our military. Many of our military members are serving two or three tours of duty in Iraq and Afghanistan. In light of these immense hardships, it is now time to implement a more robust educational assistance program for our heroic veterans who have sacrificed so much for our great Nation.

The Post–9/11 Veterans Educational Assistance Act of 2007 does just that. This bill is designed to give our returning troops educational benefits identical to the benefits provided to veterans after World War II.

The new benefits package under the bill I am introducing today will include the costs of tuition, room and board, and a monthly stipend of $1,000. By contrast, existing law under the Montgomery G.I. bill provides educational support of up to $1,000 per month for four years, totaling $9,000 for each academic year. This benefit simply is insufficient after 9/11.

For example, costs of tuition, room, and board for an in-state student at George Mason University, located in Fairfax, Virginia, add up to approximately $14,000 per year. In addition, existing law requires participating service members to pay $1,200 during their first year of service in order to even qualify for the benefit.

Let me briefly summarize some of the reforms that are contained in the bill I am introducing today.

First, these increased educational benefits will be available to those

members of the military who have served on active duty since September 11, 2001. In general, to qualify, veterans must have served at least two years of active duty, with at least some period of active duty time served beginning on or after September 11, 2001.

Next, the bill provides for educational benefits to be paid for a duration of time that is linked to time served in the military. Generally, veterans will not receive assistance for more than a total of 36 months, which equals four academic years.

Third, as I mentioned a moment ago, my bill would allow veterans pursuing an approved program of education to receive payments covering the established charges of their program, room and board, and a monthly stipend of $1,000. Moreover, the bill would allow additional payments for tutorial assistance, as well as licensure and certification tests.

Fourth, veterans would have up to 15 years to use their educational assistance entitlement. But veterans would be barred from receiving concurrent assistance from this program and another similar program, such as the Montgomery G.I. bill program.

Finally, under this bill, the Secretary of Veterans Affairs would administer the program, promulgate rules to carry out the new law, and pay for the program from funds made available to the Department of Veterans Affairs for the payment of readjustment benefits.

Again, I note that the benefits I have outlined today essentially mirror the benefits allowed under the G.I. bill enacted after World War II. That bill helped spark economic growth and expansion for a whole generation of Americans. The bill I introduce today likely will have similar beneficial effects. As the post-World War II experience so clearly indicated, better educated veterans have higher income levels, which in the long run will increase tax revenues.

Moreover, a strong G.I. bill will have a positive effect on military recruitment, broadening the socio-economic makeup of the military and reducing the direct costs of recruitment.

Perhaps more importantly, better-educated veterans have a more positive readjustment experience. This experience lowers the costs of treating post-traumatic stress disorder and other readjustment-related difficulties.

The United States has never erred when it has made sustained new investments in higher education and job training. Enacting the Post-9/11 Veterans Educational Assistance Act of 2007 is not only the right thing to do for our men and women in uniform, but it also is a strong tonic for an economy plagued by growing disparities in wealth, stagnant wages, and the outsourcing of American jobs.

Mr. President I am a proud veteran who is honored to serve this great Nation. As long as I represent Virginians in the United States Senate, I will make it a priority to help protect our brave men and women in uniform.

I am honored that the Senate Majority Leader has agreed to join with me to be a defender and advocate of our veterans. The Majority Leader has included the concepts of the bill I introduce today in his leadership bill designed to rebuild the United States military. Additionally, I plan to work closely with Veterans' Affairs Committee Chairman AKAKA—and all of my Senate colleagues—to statutorily update G.I. benefits.

Together we can provide the deserving veterans of the 9/11 era with the same program of benefits that our fathers and grandfathers received after World War II.

Mr. President, I ask that the bill I introduce today—the Post-9/11 Veterans Educational Assistance Act of 2007—be printed in the RECORD along with this statement.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 22

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 ''Post-9/11 Veterans Educational Assistance Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who served on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 3. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''§ 3301. Definitions

''In this chapter:

''(1) The term 'active duty' has the meaning given such term in sections 101 and 3002(7) of this title and includes the limitations specified in section 3002(6) of this title.

''(2) The terms 'program of education', 'Secretary of Defense', and 'Selected Reserve' have the meaning given such terms in section 3002 of this title.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''§ 3311. Educational assistance for service in the Armed Forces after September 11, 2001: entitlement

''(a) ENTITLEMENT.—Except as provided in subsection (c) and subject to subsections (d) through (f), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) as of September 11, 2001, is a member of the Armed Forces and has served an aggregate of at least two years of active duty in the Armed Forces; and

''(B) after September 10, 2001—

''(i) serves at least 30 days of active duty in the Armed Forces; or

''(ii) is discharged or released as described in subsection (d)(1).

''(2) An individual who—

''(A) as of September 10, 2001, is a member of the Armed Forces;

''(B) as of any date on or after September 11, 2001—

''(i) has served an aggregate of at least two years of active duty in the Armed Forces; or

''(ii) before completion of service as described in clause (i), is discharged or released as described in subsection (d)(1); and

''(C) if described by subparagraph (B)(i), after September 11, 2001—

''(i) serves at least 30 days of active duty in the Armed Forces; or

''(ii) is discharged or released as described in subsection (d)(1).

''(3) An individual who—

''(A) on or after September 11, 2001, first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces and—

''(i) serves an aggregate of at least two years of active duty in the Armed Forces; or

''(ii) before completion of service as described in clause (i), is discharged or released as described in subsection (d);

''(B) before applying for benefits under this chapter, completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree; and

''(C) after completion of the service described in subparagraph (A)(i)—

''(i) continues on active duty;

''(ii) is discharged from active duty with an honorable discharge;

''(iii) is released after service on active duty characterized by the Secretary concerned as honorable service and is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability list; or

''(iv) is released from active duty for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) An individual who—

''(A) on or after September 11, 2001, first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces and—

''(i)(I) serves an aggregate of at least two years of active duty in the Armed Forces characterized by the Secretary concerned as honorable service; or

''(II) before completion of service as described in subclause (I), is discharged or released as described in subsection (d); and

''(ii) beginning within one year after completion of service on active duty as described in clause (i)(I)—

''(I) serves at least four years of continuous active duty in the Selected Reserve during which the individual participates satisfactorily in training as required by the Secretary concerned; or

''(II) during the four years described in subclause (I), is discharged or released as described in subsection (d);

''(B) before applying for benefits under this chapter, completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree; and

''(C) after completion of the service described in subparagraph (A)—

''(i) is discharged from service with an honorable discharge, is placed on the retired list, or is transferred to the Standby Reserve or an element of the Ready Reserve other than the Selected Reserve after service in the Selected Reserve characterized by the Secretary concerned as honorable service; or

''(ii) continues on active duty or in the Selected Reserve.

''(c) EXCEPTIONS.—The following individuals are not entitled to educational assistance under this chapter:

''(1) An individual who, after September 11, 2001, receives a commission as an officer in the Armed Forces upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy.

''(2) An individual who, after September 11, 2001, receives a commission as an officer in the Armed Forces upon completion of a program of educational assistance under section 2107 of title 10 if while participating in such program such individual received an aggregate of $25,000 or more for participation in such program.

''(d) CERTAIN DISCHARGE OR RELEASE PROVIDING EXCEPTION FROM SERVICE REQUIREMENTS.—A discharge or release described in this subsection is a discharge or release (whether from service on active duty in the Armed Forces under subsection (b)(1)(B)(i), (b)(2)(B)(i), (b)(2)(C)(i), (b)(3)(A)(i), or (b)(4)(A)(i)(I) or from service in the Selected Reserve under subsection (b)(4)(A)(ii)(I)) for—

''(1) a service-connected disability;

''(2) a medical condition which preexisted such service and which the Secretary determines is not service-connected;

''(3) hardship; or

''(4) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of each military department in accordance with regulations prescribed by the Secretary of Defense.

''(e) CERTAIN INTERRUPTION IN SELECTED RESERVE SERVICE PROVIDING EXCEPTION FROM SERVICE REQUIREMENT.—After an individual begins service in the Selected Reserve as described in subsection (b)(4)(A)(ii), the continuity of service of the individual as a member of the Selected Reserve shall not be considered to be broken—

''(1) by any period of time (not to exceed a maximum period prescribed in regulations by the Secretary concerned) during which the member is not able to locate a unit of the member's Armed Force that the member is eligible to join or that has a vacancy; or

''(2) by any other period of time (not to exceed a maximum period so prescribed) during which the member is not attached to a unit of the Selected Reserve that the Secretary concerned, pursuant to regulations, considers to be inappropriate to consider for such purpose.

''(f) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—A period of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based if the period of service is terminated because of a defective enlistment and induction based on—

''(1) the individual's being a minor for purposes of service in the Armed Forces;

''(2) an erroneous enlistment or induction; or

''(3) a defective enlistment agreement.

''§ 3312. Educational assistance: duration

''(a) IN GENERAL.—Subject to section 3695 of this title and subsection (b), an individual entitled to educational assistance under section 3311 of this title is entitled to a number of months of educational assistance under section 3313 of this title as follows:

''(1) In the case of an individual described by paragraph (1) section 3311(b) of this title—

''(A) if the individual is described by subparagraph (B)(i) of such paragraph, the aggregate number of months served by the individual on active duty in the Armed Forces after September 11, 2001; or

''(B) if the individual is described by subparagraph (B)(ii) of such paragraph, 36 months.

''(2) In the case of an individual described by paragraph (2) of section 3311(b) of this title—

''(A) if the individual is described by both subparagraphs (B)(i) and (C)(i) of such paragraph, the aggregate number of months served by the individual on active duty in the Armed Forces after September 11, 2001; or

''(B) if the individual is described by subparagraph (B)(ii) or (C)(ii) of such paragraph, 36 months.

''(3) In the case of an individual described by paragraph (3) of section 3311(b) of this title—

''(A) if the individual is described by subparagraph (A)(i) of such paragraph, the aggregate number of months served by the individual on active duty in the Armed Forces after September 11, 2001; or

''(B) if the individual is described by subparagraph (A)(ii) of such paragraph—

''(i) if the discharge or release of the individual is described by paragraph (1) of section 3311(d) of this title, 36 months; or

''(ii) if the discharge or release of the individual is described by paragraph (2), (3), or (4) of section 3311(d) of this title, the aggregate number of months served by the individual on active duty in the Armed Forces after September 11, 2001.

''(4) In the case of an individual described by paragraph (4) of section 3311(b) of this title—

''(A) if the individual is described by subparagraph (A)(i) of such paragraph—

''(i) if the individual is further described by subclause (I) of such subparagraph, 24 months;

''(ii) if the individual is further described by subclause (II) of such subparagraph and has a discharge or release described by paragraph (1) of section 3311(d) of this title, 36 months; or

''(iii) if the individual is further described by subclause (II) of such subparagraph and has a discharge or release described by paragraph (2), (3), of (4) of section 3311(d) of this title, the aggregate number of months served by the individual on active duty in the Armed Forces after September 11, 2001; and

''(B) if the individual is also described by subparagraph (A)(ii) of such paragraph—

''(i) if the individual is further described by subclause (I) of such subparagraph, an additional one month for each four months served by the individual in the Selected Reserve (other than any month in which the individual served on active duty) after September 11, 2001; or

''(ii) if the individual is further described by subclause (II) of such subparagraph and the individual—

''(I) has a discharge or release described by paragraph (1) of section 3311(d) of this title, 12 months; or

''(II) has a discharge or release described by paragraph (2), (3), or (4) of section 3311(d) of this title, an additional one month for each four months served by the individual in the Selected Reserve (other than any month in which the individual served on active duty) after September 11, 2001.

''(b) LIMITATION.—Except as provided in section 3321(b)(2) of this title, an individual may not receive educational assistance under section 3313 of this title for a number of months in excess of 36 months, which is the equivalent of four academic years

''§ 3313. Educational assistance: payment; amount

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) through (i)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—Except as provided in subsections (g) through (i), a program of education is an approved program of education for purposes of this chapter if the program of education is approved for purposes of chapter 30 of this title.

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—(1) The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(A) An amount equal to the established charges for the program of education.

''(B) Subject to paragraph (2), an amount equal to the room and board of the individual.

''(C) A monthly stipend in the amount of $1,000.

''(2) The amount payable under paragraph (1)(B) for room and board of an individual may not exceed an amount equal to the standard dormitory fee, or such equivalent fee as the Secretary shall specify in regulations, which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subparagraphs (A) and (B) of subsection (c)(1) for pursuit of a program of education shall be made in a lump-sum amount for the entire quarter, semester, or term, as applicable, of the program of education before the commencement of such quarter, semester, or term.

''(2) Payment of the amount payable under subparagraph (C) of subsection (c)(1) for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made in a lump-sum amount for the entire quarter, semester, or term, as applicable, of the program of education before the commencement of such quarter, semester, or term.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (c)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON LESS THAN HALF-TIME BASIS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on less than half-time basis.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education on less than half-time basis is the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay.

''(3) Payment of the amount payable under this chapter to an individual for pursuit of a program of education on less than half-time basis shall be made in a lump-sum, and shall be made not later than the last day of the month immediately following the month in which certification is received from the educational institution involved that the individual has enrolled in and is pursuing a program of education at the institution.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (c)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) APPRENTICESHIP OR OTHER ON-JOB TRAINING.—(1) Educational assistance is payable under this chapter for full-time pursuit of a program of apprenticeship or other on-job training described in paragraphs (1) and (2) of section 3687(a) of this title.

''(2)(A) The educational assistance payable under this chapter to an individual for pursuit of a program of apprenticeship or training referred to in paragraph (1) is the amounts as follows:

''(i) The established charge which similarly circumstances nonveterans enrolled in the program would be required to pay.

''(ii) A monthly stipend in the amount of $1,000.

''(B) The nature and amount of the tuition, fees, and other expenses constituting the established charge for a program of apprenticeship or training under this subsection shall be determined in accordance with regulations prescribed by the Secretary. Such expenses may include room and board under such circumstances as the Secretary shall prescribe in the regulations.

''(3)(A) Payment of the amount payable under paragraph (2)(A)(i) for pursuit of a program of apprenticeship or training shall be made, at the election of the Secretary—

''(i) in a lump sum for such period of the program as the Secretary shall determine before the commencement of such period of the program; or

''(ii) on a monthly basis.

''(B) Payment of the amount payable under paragraph (2)(A)(ii) for pursuit of a program of apprenticeship or training shall be made on a monthly basis.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (c)(3) in the case of payments made in accordance with paragraph (3)(A)(i)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(h) PROGRAMS OF EDUCATION BY CORRESPONDENCE.—(1) Educational assistance is payable under this chapter for pursuit of a program of education exclusively by correspondence.

''(2)(A) The amount of educational assistance payable under this chapter to an individual who is pursuing a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(B) In this paragraph, the term 'established charge', in the case of a program of education, means the lesser of—

''(i) the charge for the course or courses under the program of education, as determined on the basis of the lowest extended time payment plan offered by the institution involved and approved by the appropriate State approving agency; or

''(ii) the actual charge to the individual for such course or courses.

''(3) Payment of the amount payable under this chapter for pursuit of a program of education by correspondence shall be made quarterly on a pro rata basis for the lessons completed by the individual and serviced by the institution involved.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (c)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(i) FLIGHT TRAINING.—(1) Educational assistance is payable under this chapter for a program of education consisting of flight training as follows:

''(A) Courses of flight training approved under section 3860A(b) of this title.

''(B) Flight training meeting the requirements of section 3034(d) of this title.

''(2) Paragraphs (2) and (4) of section 3032(e) of this title shall apply with respect to the availability of educational assistance under this chapter for pursuit of flight training covered by paragraph (1).

''(3)(A) The educational assistance payable under this chapter to an individual for pursuit of a program of education consisting of flight training covered by paragraph (1) is the amounts as follows:

''(i) The established charge which similarly circumstances nonveterans enrolled in the program would be required to pay.

''(ii) A monthly stipend in the amount of $1,000.

''(B) The nature and amount of the tuition, fees, and other expenses constituting the established charge for a program of flight training under this subsection shall be determined in accordance with regulations prescribed by the Secretary.

''(4) Payment of the amounts payable under paragraph (3) for pursuit of a program of flight training shall be made on a monthly basis.

''(5) For each month for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(j) ESTABLISHED CHARGES DEFINED.—(1) In subsections (c) and (e), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition, fees (including required supplies, books, and equipment), and other educational costs which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''§ 3314. Tutorial assistance

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3315. Licensure and certification tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''§ 3321. Time limitation for use of and eligibility for entitlement

''(a) IN GENERAL.—(1) Except as otherwise provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(2) In the case of an individual described in paragraph (1) who becomes entitled to educational assistance under this chapter under section 3311(b)(4) of this title, the 15-year period described in paragraph (1) shall begin on the later of—

''(A) the date of such individual's last discharge or release from active duty; or

''(B) the date on which the four-year requirement described in section 3311(b)(4)(A)(ii) of this title is met.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in paragraph (1), (2), or (3) of section 3311(d) of this title.

''§ 3322. Bar to duplication of educational assistance benefits

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of the date of the enactment of the Post-9/11 Veterans Educational Assistance Act of 2007, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 3(c) of the Post-9/11 Veterans Educational Assistance Act of 2007.

''§ 3323. Administration

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

''§ 3324. Allocation of administration and costs

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Post-9/11 Educational Assistance 3301''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and

(ii) in subsection (c), by striking ''both the program established by this chapter and the

program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of the date of the enactment of this Act—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, such entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, such entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any such entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has not used any such entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph—

(i) otherwise meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added); or

(ii) is making progress toward meeting such requirements.

(2) ELECTION ON TREATMENT OF TRANSFERRED ENTITLEMENT.—

(A) ELECTION.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), as provided in paragraph (3)(B).

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the eligible dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(3) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i), the number of months of entitlement of such individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to the number of months of unused entitlement of such individual under chapter 30 of title 38, United States Code, as of the date of the election, including any number of months entitlement revoked by the individual under paragraph (2)(A).

(4) CONTINUING EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—

(A) IN GENERAL.—If the aggregate amount of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), that is accumulated by an individual described in subparagraph (A)(i), (A)(ii), or (A)(iii) of paragraph (1) who makes an election under that paragraph is less than 36 months, the individual shall retain, and may utilize, any unutilized entitlement of the individual to educational assistance under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, for a number of months equal to the lesser of—

(i) 36 months minus the number of months of entitlement so accumulated by the individual; or

(ii) the number of months of such unutilized entitlement of the individual.

(B) UTILIZATION OF RETAINED ENTITLEMENT.—The utilization of entitlement retained by an individual under this paragraph shall be governed by the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(5) TREATMENT OF CONTRIBUTIONS TOWARD BASIC EDUCATIONAL ASSISTANCE.—

(A) REFUND OF CONTRIBUTIONS.—Except as provided in subparagraph (B), the Secretary of Veterans Affairs shall pay to each individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph an amount equal to the total amount of contributions made by such individual under subchapter II of chapter 30 of title 38, United States Code, for basic educational assistance under that chapter, including any contributions made under subsection (b) or (e) of section 3011 of such title or any contributions made under subsection (c) or (f) of section 3012 of such title.

(B) EXCEPTION.—In the case of an individual described by subparagraph (A) who is entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of paragraph (4)(A), the amount payable to the individual under this paragraph shall be an amount equal to—

(i) the amount otherwise payable to the individual under subparagraph (A), multiplied by

(ii) a fraction—

(I) the numerator of which is the number equal to the number of months of basic educational assistance under chapter 30 of title 38, United States Code, to which the individual is entitled by reason of paragraph (4)(A); and

(II) the denominator of which is 36.

(C) CESSATION OF CONTRIBUTIONS.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of such individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to such person.

(6) TERMINATION OF ENTITLEMENT UNDER MONTGOMERY GI BILL.—Except as otherwise provided in paragraph (4), effective on the last day of the month in which an individual makes an election under paragraph (1), the entitlement, if any, of the individual to basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, shall terminate.

(7) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (2)(A) is irrevocable.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. DORGAN, Mr. BIDEN, and Mr. OBAMA):

S. 23. A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, over the past several years, our national energy security has deteriorated rapidly. Petroleum and natural gas prices have gone up and appear to be staying up. Almost daily, we hear projections of increases in electricity prices around the country. The environmental impacts of energy use, especially from autos and power plants, are still a major health concern. The evidence of climate change is absolutely clear and very ominous, especially in the disappearance of glaciers, the break up of polar ice sheets and the increasing intensity of storms. We know that combustion of fossil fuels is the primary contributor of the anthropogenic greenhouse gases

emissions that drive this global warming. Despite these negative consequences, our dependence on petroleum is rising steadily, and we are importing over 60 percent of that petroleum from foreign sources, many of whom are politically unstable or unfriendly to the United States. In short, we need to initiate a major transition of our energy sector, to one that is far more efficient, is much less reliant on fossil fuels and imported oil, and is utilizing vastly more domestically produced renewable energy.

We have seen waxing and waning concerns about our national energy economy now for over 30 years. Many of us have believed all along that we should be doing more to promote energy efficiency and to accelerate the development and use of clean, domestic renewable energy, but during most of that time, cheap energy supplies have lulled us into relatively minimal actions. Over the past three years, however, there has been an increasingly acute awareness of the dire nature of our overall energy situation. It is now clear that our energy situation is a serious threat not only to our economy but to our national security. We can no longer postpone action.

Today I am joined by my esteemed colleagues, Senator LUGAR of Indiana, Senator DORGAN of North Dakota, Senator BIDEN of Delaware, and Senator OBAMA of Illinois, in introducing the Biofuels Security Act of 2007. This bill directly addresses one of the most critical pieces of a sound national energy transition policy. It charts a clear path forward for significantly increasing our national use of renewable fuels over the next 24 years, reaching a total of 30 billion gallons per year by 2020, and 60 billion gallons per year by 2030. That latter figure represents about one-third of our nation's current annual fuel use for highway transportation. The production of the two most common forms of biofuels, ethanol and biodiesel, is expanding rapidly. We have reason to believe that this provision will provide strong impetus to increasing biofuels' production and use because it is an extension of the renewable fuels standard that I promoted in the Energy Policy Act of 2005. That standard mandates using a total of 7.5 billion gallons of renewable fuels by 2012, and already we are on a path to exceed that requirement by 2008. Thus, we can be very optimistic about the success of setting these longer term and more aggressive targets.

This bill also will ensure that the vehicles to use these renewable fuels are readily available by requiring auto manufacturers over time to produce and sell increasing numbers of dual-fuel vehicles—that is, vehicles that can be fueled by gasoline or gasoline/ethanol blends. Because the turnover of vehicles on the highway takes many years, our bill requires the fraction of dual-fuel vehicles to increase from 10 percent in 2008 up to 100 percent in 2017 and beyond. In order to assure availability of alternative fuels, our bill requires installation of increasing numbers of E–85 pumps by major oil companies at fueling stations that they own or license under their brand. These pumps will dispense E–85, a blend of 85 percent ethanol and 15 percent gasoline, which is a very popular renewable fuel because of its high ethanol content. The bill will require 50 percent of such owned and licensed stations to have pumps dispensing E–85 fuel by 2017. In addition, the bill includes a clause to ensure geographic distribution of such E–85 marketing stations.

Today I urge my Senate colleagues to join us in taking action to boost the transition to a cleaner, more resilient, and more secure energy economy. I request support for this bill and its rapid enactment.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 23

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 ''Biofuels Security Act of 2007''.

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

TITLE I—RENEWABLE FUELS

SEC. 101. RENEWABLE FUEL PROGRAM.

Section 211(o)(2) of the Clean Air Act (42 U.S.C. 7545(o)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) APPLICABLE VOLUME.—

''(i) IN GENERAL.—For the purpose of subparagraph (A), the applicable volume for calendar year 2010 and each calendar year thereafter shall be determined, by rule, by the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, in a manner that ensures that—

''(I) the requirements described in clause (ii) for specified calendar years are met; and

''(II) the applicable volume for each calendar year not specified in clause (ii) is determined on an annual basis.

''(ii) REQUIREMENTS.—The requirements referred to in clause (i) are—

''(I) for calendar year 2010, at least 10,000,000,000 gallons of renewable fuel;

''(II) for calendar year 2020, at least 30,000,000,000 gallons of renewable fuel; and

''(III) for calendar year 2030, at least 60,000,000,000 gallons of renewable fuel.''.

SEC. 102. INSTALLATION OF E–85 FUEL PUMPS BY MAJOR OIL COMPANIES AT OWNED STATIONS AND BRANDED STATIONS.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

''(11) INSTALLATION OF E–85 FUEL PUMPS BY MAJOR OIL COMPANIES AT OWNED STATIONS AND BRANDED STATIONS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) E–85 FUEL.—The term 'E–85 fuel' means a blend of gasoline approximately 85 percent of the content of which is derived from ethanol produced in the United States.

''(ii) MAJOR OIL COMPANY.—The term 'major oil company' means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, has not less than 4,500 retail station outlets according to the latest publication of the Petroleum News Annual Factbook.

''(iii) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture.

''(B) REGULATIONS.—The Secretary shall promulgate regulations to ensure that each major oil company that sells or introduces gasoline into commerce in the United States through wholly-owned stations or branded stations installs or otherwise makes available 1 or more pumps that dispense E–85 fuel (including any other equipment necessary, such as including tanks, to ensure that the pumps function properly) at not less than the applicable percentage of the wholly-owned stations and the branded stations of the major oil company specified in subparagraph (C).

''(C) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (B), the applicable percentage of the wholly-owned stations and the branded stations shall be determined in accordance with the following table:

Calendar year:	''Applicable percentage of wholly-owned stations and branded stations (percent):
2008	5
2009	10
2010	15
2011	20
2012	25
2013	30
2014	35
2015	40
2016	45
2017 and each calendar year thereafter.	50.

''(D) GEOGRAPHIC DISTRIBUTION.—

''(i) IN GENERAL.—Subject to clause (ii), in promulgating regulations under subparagraph (B), the Secretary shall ensure that each major oil company described in subparagraph (B) installs or otherwise makes available 1 or more pumps that dispense E–85 fuel at not less than a minimum percentage (specified in the regulations) of the wholly-owned stations and the branded stations of the major oil company in each State.

''(ii) REQUIREMENT.—In specifying the minimum percentage under clause (i), the Secretary shall ensure that each major oil company installs or otherwise makes available 1 or more pumps described in that clause in each State in which the major oil company operates.

''(E) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (B), the Secretary shall ensure that each major oil company described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

''(F) PRODUCTION CREDITS FOR EXCEEDING E–85 FUEL PUMPS INSTALLATION REQUIREMENT.—

''(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the wholly-owned stations and the branded stations of a major oil company at which the major oil company installs E–85 fuel pumps in a particular calendar year exceeds the percentage required under subparagraph (C), the major oil company earns credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.

''(ii) TRADING CREDITS.—Subject to clause (iii), a major oil company that has earned credits under clause (i) may sell credits to another major oil company to enable the purchaser to meet the requirement under subparagraph (C).

''(iii) EXCEPTION.—A major oil company may not use credits purchased under clause (ii) to fulfill the geographic distribution requirement in subparagraph (D).''.

SEC. 103. MINIMUM FEDERAL FLEET REQUIREMENT.

Section 303(b)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)) is amended—

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

(2) in subparagraph (D), by striking ''fiscal year 1999 and thereafter,'' and inserting ''each of fiscal years 1999 through 2007; and''; and

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

''(E) 100 percent in fiscal year 2008 and thereafter,''.

SEC. 104. APPLICATION OF GASOHOL COMPETITION ACT OF 1980.

Section 26 of the Clayton Act (15 U.S.C. 26a) is amended—

(1) by redesignating subsection (c) as subsection (d);

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

''(c) For purposes of subsection (a), restricting the right of a franchisee to install on the premises of that franchisee a renewable fuel pump, such as one that dispenses E85, shall be considered an unlawful restriction.''; and

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

(A) by striking ''section,'' and inserting the following: ''section—

''(1) the term'';

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

(C) by adding at the end the following:

''(2) the term 'gasohol' includes any blend of ethanol and gasoline such as E–85.''.

TITLE II—DUAL FUELED AUTOMOBILES

SEC. 201. REQUIREMENT TO MANUFACTURE DUAL FUELED AUTOMOBILES.

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

''§ 32902A. Requirement to manufacture dual fueled automobiles

''(a) REQUIREMENT.—Each manufacturer of new automobiles that are capable of operating on gasoline or diesel fuel shall ensure that the percentage of such automobiles, manufactured in any model year after model year 2007 and distributed in commerce for sale in the United States, which are dual fueled automobiles is equal to not less than the applicable percentage set forth in the following table:

''For each of the following model years:	The percentage of dual fueled automobiles manufactured shall be not less than:
2008	10
2009	20
2010	30
2011	40
2012	50
2013	60
2014	70
2015	80
2016	90
2017 and beyond	100.

''(b) PRODUCTION CREDITS FOR EXCEEDING FLEXIBLE FUEL AUTOMOBILE PRODUCTION REQUIREMENT.—

''(1) EARNING AND PERIOD FOR APPLYING CREDITS.—If the number of dual fueled automobiles manufactured by a manufacturer in a particular model year exceeds the number required under subsection (a), the manufacturer earns credits under this section, which may be applied to any of the 3 consecutive model years immediately after the model year for which the credits are earned.

''(2) TRADING CREDITS.—A manufacturer that has earned credits under paragraph (1) may sell credits to another manufacturer to enable the purchaser to meet the requirement under subsection (a).''.

(2) TECHNICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

''32902A. Requirement to manufacture dual fueled automobiles.''.

(b) ACTIVITIES TO PROMOTE THE USE OF CERTAIN ALTERNATIVE FUELS.—The Secretary of Transportation shall carry out activities to promote the use of fuel mixtures containing gasoline or diesel fuel and 1 or more alternative fuels, including a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels, to power automobiles in the United States.

SEC. 202. MANUFACTURING INCENTIVES FOR DUAL FUELED AUTOMOBILES.

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

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

(2) by inserting ''(1)'' before ''Except'';

(3) by striking ''model years 1993–2010'' and inserting ''model year 1993 through the first model year beginning not less than 18 months after the date of enactment of the Biofuels Security Act of 2007''; and

(4) by adding at the end the following:

''(2) Except as provided in paragraph (5), subsection (d), or section 32904(a)(2), the Administrator shall measure the fuel economy for each model of dual fueled automobiles manufactured by a manufacturer in the first model year beginning not less than 30 months after the date of enactment of the Biofuels Security Act of 2007 by dividing 1.0 by the sum of—

''(A) 0.7 divided by the fuel economy measured under section 32904(c) when operating the model on gasoline or diesel fuel; and

''(B) 0.3 divided by the fuel economy measured under subsection (a) when operating the model on alternative fuel.

''(3) Except as provided in paragraph (5), subsection (d), or section 32904(a)(2), the Administrator shall measure the fuel economy for each model of dual fueled automobiles manufactured by a manufacturer in the first model year beginning not less than 42 months after the date of enactment of the Biofuels Security Act of 2007 by dividing 1.0 by the sum of—

''(A) 0.9 divided by the fuel economy measured under section 32904(c) when operating the model on gasoline or diesel fuel; and

''(B) 0.1 divided by the fuel economy measured under subsection (a) when operating the model on alternative fuel.

''(4) Except as provided in subsection (d) or section 32904(a)(2), the Administrator shall measure the fuel economy for each model of dual fueled automobiles manufactured by a manufacturer in each model year beginning not less than 54 months after the date of enactment of the Biofuels Security Act of 2007 in accordance with section 32904(c).

''(5) Notwithstanding paragraphs (2) through (4), the fuel economy for all dual fueled automobiles manufactured to comply with the requirements under section 32902A(a), including automobiles for which dual fueled automobile credits have been used or traded under section 32902A(b), shall be measured in accordance with section 32904(c).''.

By Mrs. BOXER (for herself, Mr. FEINSTEIN, and Mr. LAUTENBERG):

S. 24. A bill to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I am introducing a bill that would require that tap water be tested for perchlorate, and would ensure the public's right to know about perchlorate in their drinking water. I am pleased that the senior Senator from California, Mrs. FEINSTEIN, and the senior Senator from New Jersey, Mr. LAUTENBERG, have joined as original cosponsors of this measure.

This toxin is a clear and present danger to California's and much of America's health, and EPA needs to get moving and protect our drinking water now. But until a perchlorate tap water standard is set, something must be done.

Therefore, my perchlorate monitoring and right to know bill will require that: EPA first swiftly set a health advisory for perchlorate that protects pregnant women, infants and children; second, that EPA order monitoring of drinking water for perchlorate until an enforceable standard is set; and, third, that the public be told about perchlorate and its health effects, if it is detected in their drinking water supply.

Drinking water sources for more than 20 million Americans are contaminated with perchlorate. The Government Accountability Office (GAO) says that perchlorate contamination has been found in water and soil at almost 400 sites in the U.S., with levels ranging from 4 parts per billion to millions of parts per billion. Perchlorate

has polluted 35 States and the District of Columbia, and is known to have contaminated 153 public water systems in 26 States.

As we know, perchlorate can harm human health, especially that of pregnant women and children. Therefore, all citizens whose tap water system contains perchlorate have a right to know about that contamination, and about its potential health consequences. Only if their water is tested, and only if all systems are obligated to disclose the contamination and its health effects, will we be assured that the public is given the information that they deserve to protect themselves and their families.

EPA's original 1999 rule for monitoring of tap water for unregulated contaminants ordered testing for perchlorate. Just last year, on August 22, 2005, EPA proposed to extend the requirement that perchlorate be monitored in drinking water. However, on December 20, 2006, the Administrator reversed himself and signed a final rule removing perchlorate from the list of contaminants for which monitoring is required under the Unregulated Contaminant Monitoring Regulation. I was shocked by this action.

As a result of this new rule, Americans will not be assured of up-to-date information on whether their tap water is contaminated with this toxin. Until EPA sets a tap water standard for perchlorate, at the very least we should know if it's in our drinking water.

My bill will ensure that EPA acts swiftly to require water systems to test for and to inform the public about this threat to our health and welfare. I look forward to working with my colleagues to pass this important legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 24

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 ''Perchlorate Monitoring and Right-to-Know Act of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) perchlorate—

(A) is a chemical used as the primary ingredient of solid rocket propellant;

(B) is also used in fireworks, road flares, and other applications.

(2) waste from the manufacture and improper disposal of chemicals containing perchlorate is increasingly being discovered in soil and water;

(3) according to the Government Accountability Office, perchlorate contamination has been detected in water and soil at almost 400 sites in the United States, with concentration levels ranging from 4 parts per billion to millions of parts per billion;

(4) the Government Accountability Office has determined that the Environmental Protection Agency does not centrally track or monitor perchlorate detections or the status of perchlorate cleanup, so a greater number of contaminated sites may already exist;

(5) according to the Government Accountability Office, limited Environmental Protection Agency data show that perchlorate has been found in 35 States and the District of Columbia and is known to have contaminated 153 public water systems in 26 States;

(6) those data are likely underestimates of total drinking water exposure, as illustrated by the finding of the California Department of Health Services that perchlorate contamination sites have affected approximately 276 drinking water sources and 77 drinking water systems in the State of California alone;

(7) Food and Drug Administration scientists and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk;

(8)(A) perchlorate can harm human health, especially in pregnant women and children, by interfering with uptake of iodide by the thyroid gland, which is necessary to produce important hormones that help control human health and development;

(B) in adults, the thyroid helps to regulate metabolism;

(C) in children, the thyroid helps to ensure proper mental and physical development; and

(D) impairment of thyroid function in expectant mothers or infants may result in effects including delayed development and decreased learning capability;

(9)(A) in October 2006, researchers from the Centers for Disease Control and Prevention published the largest, most comprehensive study to date on the effects of low levels of perchlorate exposure in women, finding that—

(i) significant changes existed in thyroid hormones in women with low iodine levels who were exposed to perchlorate; and

(ii) even low-level perchlorate exposure may affect the production of hormones by the thyroid in iodine-deficient women; and

(B) in the United States, about 36 percent of women have iodine levels equivalent to or below the levels of the women in the study described in subparagraph (A);

(10) the Environmental Protection Agency has not established a health advisory or national primary drinking water regulation for perchlorate, but instead established a ''Drinking Water Equivalent Level'' of 24.5 parts per billion for perchlorate, which—

(A) does not take into consideration all routes of exposure to perchlorate;

(B) has been criticized by experts as failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain pregnant women and fetuses, infants, and children; and

(C) is based primarily on a small study and does not take into account new, larger studies of the Centers for Disease Control and Prevention or other data indicating potential effects at lower perchlorate levels than previously found;

(11) on August 22, 2005 (70 Fed. Reg. 49094), the Administrator proposed to extend the requirement that perchlorate be monitored in drinking water under the final rule entitled ''Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions'' promulgated pursuant to section 1445(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)); and

(12) on December 20, 2006, the Administrator signed a final rule removing perchlorate from the list of contaminants for which monitoring is required under the final rule entitled ''Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions'' (72 Fed. Reg. 368 (January 4, 2007)).

(b) PURPOSE.—The purpose of this Act is to require the Administrator of the Environmental Protection Agency—

(1) to establish, not later than 90 days after the date of enactment of this Act, a health advisory that—

(A) is fully protective of, and considers, the body weight and exposure patterns of pregnant women, fetuses, newborns, and children;

(B) provides an adequate margin of safety; and

(C) takes into account all routes of exposure to perchlorate;

(2) to promulgate, not later than 120 days after the date of enactment of this Act, a final regulation requiring monitoring for perchlorate in drinking water; and

(3) to ensure the right of the public to know about perchlorate in drinking water by requiring that consumer confidence reports disclose the presence and potential health effects of perchlorate in drinking water.

SEC. 3. MONITORING AND HEALTH ADVISORY FOR PERCHLORATE.

Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(12)) is amended by adding at the end the following:

''(C) PERCHLORATE.—

''(i) HEALTH ADVISORY.—Not later than 90 days after the date of enactment of this subparagraph, the Administrator shall publish a health advisory for perchlorate that fully protects, with an adequate margin of safety, the health of vulnerable persons (including pregnant women, fetuses, newborns, and children), considering body weight and exposure patterns and all routes of exposure.

''(ii) MONITORING REGULATIONS.—

''(I) IN GENERAL.—The Administrator shall propose (not later than 60 days after the date of enactment of this subparagraph) and promulgate (not later than 120 days after the date of enactment of this subparagraph) a final regulation requiring—

''(aa) each public water system serving more than 10,000 individuals to monitor for perchlorate beginning not later than October 31, 2007; and

''(bb) the collection of a representative sample of public water systems serving 10,000 individuals or fewer to monitor for perchlorate in accordance with section 1445(a)(2).

''(II) DURATION.—The regulation shall be in effect unless and until monitoring for perchlorate is required under a national primary drinking water regulation for perchlorate.

''(iii) CONSUMER CONFIDENCE REPORTS.—Each consumer confidence report issued under section 1414(c)(4) shall disclose the presence of any perchlorate in drinking water, and the potential health risks of exposure to perchlorate in drinking water, consistent with guidance issued by the Administrator.''.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 25. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish requirements for certain petitions submitted to the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, I rise today on the first day of this new Congress to introduce the Citizen Petition Fairness and Accuracy Act of 2007. This legislation will help speed the introduction of cost-saving generic drugs by preventing abuses of the Food and Drug Administration citizen petition process.

Consumers continue to suffer all across our country from the high—and ever rising—cost of prescription drugs. A recent independent study found that prescription drug spending has more than quadrupled since 1990, and now accounts for 11 percent of all health care spending. At the same time, the pharmaceutical industry is one of the most profitable industries in the world, returning more than 15 percent on their investments.

One key method to bring prescription drug prices down is to promote the introduction of generic alternatives to expensive brand name drugs. Consumers realize substantial savings once generic drugs enter the market. Generic drugs cost on average 63 percent less than their brand-name equivalents. One study estimates that every 1 percent increase in the use of generic drugs could save $4 billion in health care costs.

This is why I have been so active in pursuing legislation designed to combat practices which impede the introduction of generic drugs. The legislation I introduce today, which I first introduced last year with Senator LEAHY in last Congress, targets one particularly pernicious practice by brand name drug companies to impede or block the marketing of generic drugs—abuse of the FDA citizen petition process.

FDA rules permit any person to file a so-called ''citizen petition'' to raise concerns about the safety or efficacy of a generic drug that a manufacturer is seeking FDA approval to bring to market. While this citizen petition process was put in place for a laudable purpose, unfortunately in recent years it has been abused by frivolous petitions submitted by brand name drug manufacturers (or individuals acting at their behest) whose only purpose is to delay the introduction of generic competition. The FDA has a policy of not granting any new generic manufacturer's drug application until after it has considered and evaluated any citizen petitions regarding that drug. The process of resolving a citizen petition (even if ultimately found to be groundless) can delay the approval by months or years. Indeed, brand name drug manufacturers often wait to file citizen petitions until just before the FDA is about to grant the application to market the new generic drug solely for the purpose of delaying the introduction of the generic competitor for the maximum amount of time possible. This gaming of the system should not be tolerated.

In recent years, FDA officials have expressed serious concerns about the abuse of the citizen petition process. In 2005, FDA Chief Counsel Sheldon Bradshaw noted that ''[t]he citizen petition process is in some cases being abused. Sometimes, stakeholders try to use this mechanism to unnecessarily delay approval of a competitor's products.'' He added that he found it ''particularly troublesome'' that he had ''seen several examples of citizen petitions that appear designed not to raise timely concerns with respect to the legality or scientific soundness of approving a drug application, but rather to delay approval by compelling the agency to take the time to consider the arguments raised in the petition, regardless of their merits, and regardless of whether the petitioner could have made those very arguments months and months before.''

And a simple look at the statistics gives credence to these concerns. Of the 21 citizen petitions for which the FDA has reached a decision since 2003, 20—or 95 percent of them—have been found to be without merit. Of these, ten were identified as ''eleventh hour petitions'', defined as those filed less than 6 months prior to the estimated entry date of the generic drug. None of these ten ''eleventh hour petitions'' were found to have merit, but each caused unnecessary delays in the marketing of the generic drug by months or over a year, causing consumers to spend millions and millions of dollars for their prescription drugs than they would have spent without these abusive filings.

Despite the expense these frivolous citizen petitions cause consumers and the FDA, under current law the government has absolutely no ability to sanction or penalize those who abuse the citizen petition process, or who file citizen petitions simply to keep competition off the market. Our legislation will correct this obvious shortcoming and give the Department of Health and Human Services—the FDA's parent agency the power to sanction those who abuse the process.

Our bill will, for the first time, require all those who file citizen petitions to affirm certain basic facts about the truthfulness and good faith of the petition, similar to what is required of every litigant who makes a filing in court. The party filing the citizen petition will be required to affirm that the petition is well grounded in fact and warranted by law; is not submitted for an improper purpose, such as to harass or cause unnecessary delay in approval of competing drugs; and does not contain any materially false, misleading or fraudulent statement. The Secretary of the Department of Health and Human Services is empowered to investigate a citizen petition to determine if it has violated any of these principles, was submitted for an improper purpose, or contained false or misleading statements. Further, the Secretary is authorized to penalize anyone found to have submitted an abusive citizen petition. Possible sanctions include a fine up to one million dollars, a suspension or permanent revocation of the right of the violator to file future citizens' petition, and a dismissal of the petition at issue. HHS is also authorized to refer the matter to the Federal Trade Commission so that the FTC can undertake its own investigation as to the competitive consequences of the frivolous petition and take any action it finds appropriate. Finally, the bill directs the HHS that all citizen petitions be adjudicated within six months of filing, which will put an end to excessive delays in bringing needed generic drugs to market because of the filings of these petitions.

While our bill will not have any effect on any person filing a truly meritorious citizen petition, this legislation will serve as a strong deterrent to attempts by brand name drug manufacturers or any other party that seeks to abuse the citizen petition process to thwart competition. It will thereby remove one significant obstacle exploiting by brand name drug companies to prevent or delay the introduction of generic drugs. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 25

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 ''Citizen Petition Fairness and Accuracy Act of 2007''.

SEC. 2. CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended by adding at the end the following:

''(G)(i) Notwithstanding any other provision of law, any petition submitted under section 10.30 or section 10.35 of title 21, Code of Federal Regulations (or any successor regulation), shall include a statement that to the petitioner's best knowledge and belief, the petition—

''(I) includes all information and views on which the petitioner relies, including all representative data and information known to the petitioner that is favorable or unfavorable to the petition;

''(II) is well grounded in fact and is warranted by law;

''(III) is not submitted for an improper purpose, such as to harass or cause unnecessary delay (including unnecessary delay of competition or agency action); and

''(IV) does not contain a materially false, misleading, or fraudulent statement.

''(ii) The Secretary shall investigate, on receipt of a complaint, a request under clause (vi), or on its own initiative, any petition submitted under such section 10.30 or section 10.35 (or any successor regulation), that—

''(I) does not comply with the requirements of clause (i);

''(II) may have been submitted for an improper purpose as described in clause (i)(III); or

''(III) may contain a materially false, misleading, or fraudulent statement as described in clause (i)(IV).

''(iii) If the Secretary finds that the petitioner has knowingly and willingly submitted the petition for an improper purpose as described in clause (i)(III), or which contains a materially false, misleading, or fraudulent statement as described in clause (i)(IV), the Secretary may—

''(I) impose a civil penalty of not more than $1,000,000, plus attorneys fees and costs of reviewing the petition and any related proceedings;

''(II) suspend the authority of the petitioner to submit a petition under such section 10.30 or section 10.35 (or any successor regulation), for a period of not more than 10 years;

''(III) revoke permanently the authority of the petitioner to submit a petition under such section 10.30 or section 10.35 (or any successor regulation); or

''(IV) dismiss the petition at issue in its entirety.

''(iv) If the Secretary takes an enforcement action described in subclause (I), (II), (III), or (IV) of clause (iii) with respect to a petition, the Secretary shall refer that petition to the Federal Trade Commission for further action as the Federal Trade Commission finds appropriate.

''(v) In determining whether to take an enforcement action described in subclause (I), (II), (III), or (IV) of clause (iii) with respect to a petition, and in determining the amount of any civil penalty or the length of any suspension imposed under that clause, the Secretary shall consider the specific circumstances of the situation, such as the gravity and seriousness of the violation involved, the amount of resources expended in reviewing the petition at issue, the effect on marketing of competing drugs of the pendency of the improperly submitted petition, including whether the timing of the submission of the petition appears to have been calculated to cause delay in the marketing of any drug awaiting approval, and whether the petitioner has a history of submitting petitions in violation of this subparagraph.

''(vi)(I) Any person aggrieved by a petition filed under such section 10.30 or section 10.35 (or any successor regulation), including a person filing an application under subsection (b)(2) or (j) of this section to which such petition relates, may request that the Secretary initiate an investigation described under clause (ii) for an enforcement action described under clause (iii).

''(II) The aggrieved person shall specify the basis for its belief that the petition at issue is false, misleading, fraudulent, or submitted for an improper purpose. The aggrieved person shall certify that the request is submitted in good faith, is well grounded in fact, and not submitted for any improper purpose. Any aggrieved person who knowingly and intentionally violates the preceding sentence shall be subject to the civil penalty described under clause (iii)(I).

''(vii) The Secretary shall take final agency action with respect to a petition filed under such section 10.30 or section 10.35 (or any successor regulation) within 6 months of receipt of such petition. The Secretary shall not extend such 6-month review period, even with consent of the petitioner, for any reason, including based upon the submission of comments relating to a petition or supplemental information supplied by the petitioner. If the Secretary has not taken final agency action on a petition by the date that is 6 months after the date of receipt of the petition, such petition shall be deemed to have been denied on such date.

''(viii) The Secretary may promulgate regulations to carry out this subparagraph, including to determine whether petitions filed under such section 10.30 or section 10.35 (or any successor regulation) merit enforcement action by the Secretary under this subparagraph.''.

By Mrs. FEINSTEIN (for herself and Mr. BOXER):

S. 27. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will bring to a close 18 years of litigation between the Natural Resources Defense Council, the Friant Water Users Authority and the U.S. Department of the Interior. It is identical to the bill that we introduced in the waning days of the 109th Congress.

This historic bill will enact a settlement that restores California's second longest river, the San Joaquin, while maintaining a stable water supply for the farmers who have made the Valley the richest agricultural area in the world.

Without this consensus resolution to a long-running western water battle the parties will continue the fight, resulting in a court imposed settlement. To my knowledge, every farmer and every environmentalist who has considered the possibility of continued litigation believes that an outcome imposed by a judge is likely to be worse for everyone on all counts: more costly, riskier for the farmers, and less beneficial for the environment.

The Settlement provides a framework that the affected interests can accept. As a result, this legislation has the strong support of the Bush Administration, the Schwarzenegger Administration, the environmental and fishing communities and numerous California farmers and water districts, including all 22 Friant water districts that have been part of the litigation.

In announcing the signing of this San Joaquin River settlement in September, the Assistant Secretary of the Interior praised it as a ''monumental agreement.'' And when the Federal Court then approved the Settlement in late October, Secretary of the Interior Dirk Kempthorne further praised Settlement for launching ''one of the largest environmental restoration projects in California's history.'' The Secretary further observed that, ''This Settlement closes a long chapter of conflict and uncertainty in California's San Joaquin Valley . . . and open[s] a new chapter of environmental restoration and water supply certainty for the farmers and their communities.''

I share the Secretary's strong support for this balanced and historic agreement, and it is my honor to join with Senator BOXER and a bipartisan group of California House Members in introducing legislation to approve and authorize this Settlement.

The legislation indicates how the settlement forged by the parties is going to be implemented. It involves the Departments of the Interior and Commerce, and essentially gives the Secretary of the Interior the additional authority to: take the actions to restore the San Joaquin River; reintroduce the California Central Valley Spring Run Chinook Salmon; minimize water supply impacts on Friant water districts; and avoid reductions in water supply for third-party water contractors.

One of the major benefits of this settlement is the restoration of a long-lost salmon fishery. The return of one of California's most important salmon runs will create significant benefits for local communities in the San Joaquin Valley, helping to restore a beleaguered fishing industry while improving recreation and quality of life.

The legislation provides for improvements to the San Joaquin river channel to allow salmon restoration to begin in 2014. Beginning in that year, the river would see an annual flow regime mandated by the Settlement, with pulses of additional water in the spring and greater flows available in wetter years. There is flexibility to add or subtract up to 10 percent from the annual flows, as the best science dictates.

A visitor to the revitalized river channel in a decade will find an entirely different place providing recreation for residents of small towns like Mendota, and a refuge for residents of larger cities like Fresno.

The legislation I am introducing today includes provisions to benefit the farmers of the San Joaquin Valley as well as the salmon. In wet years, Friant contractors can purchase surplus flows at $10 per acre-foot for use in dry years, far less than the approximately $35 per acre-foot that they would otherwise pay for this water.

The Secretary of the Interior is authorized to recirculate new restoration flows from the Delta via the California aqueduct and the Cross-Valley Canal to provide additional supply for Friant.

Today's legislation also includes substantial protections for other water districts in California who were not party to the original settlement negotiations. These other water contractors will be able to avoid all but the smallest water impacts as a result of the settlement, except on a voluntary basis.

In addition, the restoration of flows for over 150 miles below Friant Dam, and reconnecting the upper River to the critical San Joaquin-Sacramento Delta, will be a welcome change for the

more than 22 million Californians who rely on that crucial source for their drinking water.

Finally, restoring the San Joaquin as a living salmon river may ultimately help struggling fishing communities on California's North Coast—and even into Southern Oregon. The restoration of the San Joaquin and the government's commitment to reintroduce and rebuild historic salmon populations provide a rare bright spot for these communities.

In addition to congratulating the parties for making a settlement that will enable the long-sought restoration of the San Joaquin River, I am mindful of and remain committed to progress in implementing and funding the December 19, 2000, Trinity River restoration record of decision and the Hoopa Valley Tribe's co-management of the decision's important goal of restoring the fishery resources that the United States holds in trust for the Tribe.

Support of this agreement is almost as far reaching as its benefits. This historic agreement would not have been possible without the participation of a remarkably broad group of agencies, stakeholders and legislators, reaching far beyond the settling parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

In November of last year, California voters showed their support by approving Propositions 84 and 1E that will help pay for the Settlement by committing at least $100 million and likely $200 million or more toward the restoration costs. Indeed, this Legislation includes a diverse mix of approximately $200 million in direct Water User payments, new State payments, $240 million in dedicated Friant Central Valley Project capital repayments, and future Federal appropriations limited to $250 million. This mix of funding sources is intended to ensure that the river restoration program will be sustainable over time and truly a joint effort of Federal, state and local agencies.

I would like to emphasize that the Federal funding in the bill is for implementation of both the Restoration Goal to reestablish a salmon fishery in the river, and the Water Management Goal to avoid or minimize water supply losses supplied by Friant Water Districts. It is critical to recognize that these efforts are of equal importance.

At the end of the day, I believe that this agreement is something that we can all feel very proud of, and I urge my colleagues in the Senate to move quickly to approve this legislation and provide the Administration the authorization it needs to fully carry out its legal obligations and the extensive restoration opportunities under the settlement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 27

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 ''San Joaquin River Restoration Settlement Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to authorize implementation of the Stipulation of Settlement dated September 13, 2006 (referred to in this Act as the ''Settlement''), in the litigation entitled NATURAL RESOURCES DEFENSE COUNCIL, et al. v. KIRK RODGERS, et al., United States District Court, Eastern District of California, No. CIV. S–88–1658–LKK/GGH.

SEC. 3. DEFINITIONS.

In this Act, the terms ''Friant Division long-term contractors'', ''Interim Flows'', ''Restoration Flows'', ''Recovered Water Account'', ''Restoration Goal'', and ''Water Management Goal'' have the meanings given the terms in the Settlement.

SEC. 4. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State's agreement in 1 or more Memoranda of Understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this Act, nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase or exchange contract.

SEC. 5. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) TITLE TO FACILITIES.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this Act, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this Act.

(2) APPLICABLE LAW.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 4.

(c) DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this Act is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) RIGHT OF FIRST REFUSAL.—In the event the Secretary determines that property acquired pursuant to this Act through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) DISPOSITION OF PROCEEDS.—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 9(c).

SEC. 6. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures authorized by this Act, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) EFFECT ON STATE LAW.—Nothing in this Act shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—

(1) DEFINITION OF ENVIRONMENTAL REVIEW.—For purposes of this subsection, the term ''environmental review'' includes any consultation and planning necessary to comply with subsection (a).

(2) PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.—In undertaking the measures authorized by section 4, and for which environmental review is required, the Secretary may provide funds made available under this Act to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) LIMITATION.—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) NONREIMBURSABLE FUNDS.—The United States' share of the costs of implementing this Act shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project Ratesetting Policies.

SEC. 7. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), as provided in the Settlement and section 9(d); and

(2) those assessments and collections shall continue to be counted towards the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4726).

SEC. 8. NO PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—Nothing in this Act confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this Act or the Settlement.

(b) APPLICABLE LAW.—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 9. APPROPRIATIONS; SETTLEMENT FUND.

(a) IMPLEMENTATION COSTS.—

(1) IN GENERAL.—The costs of implementing the Settlement shall be covered by payments or in kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in paragraphs (1) through (5) of subsection (c), estimated to total $440,000,000, of which the non-Federal payments are estimated to total $200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total $240,000,000, the additional Federal appropriation of $250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 4(a)(1) shall be shared by the State of California pursuant to the terms of a Memorandum of Understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least $110,000,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) REQUIREMENTS.—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 4(a)(1).

(3) LIMITATION.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funds provided in paragraphs (1) through (5) of subsection (c), there are also authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) to implement this Act and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the Fund (not including payments under subsection (c)(2), proceeds under subsection (c)(3) other than an amount equal to what would otherwise have been deposited under subsection (c)(1) in the absence of issuance of the bond, and proceeds under subsection (c)(4)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this Act or the Settlement.

(2) OTHER FUNDS.—The Secretary is authorized to use monies from the Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4727) for purposes of this Act.

(c) FUND.—There is hereby established within the Treasury of the United States a fund, to be known as the ''San Joaquin River Restoration Fund'', into which the following shall be deposited and used solely for the purpose of implementing the Settlement, to be available for expenditure without further appropriation:

(1) Subject to subsection (d), at the beginning of the fiscal year following enactment of this Act, all payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721).

(2) Subject to subsection (d), the capital component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division long-term contractors pursuant to long-term water service contracts beginning the first fiscal year after the date of enactment of this Act. The capital repayment obligation of such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99–546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(3) Proceeds from a bond issue, federally-guaranteed loan, or other appropriate financing instrument, to be issued or entered into by an appropriate public agency or subdivision of the State of California pursuant to subsection (d)(2).

(4) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 5.

(5) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(d) GUARANTEED LOANS AND OTHER FINANCING INSTRUMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into agreements with appropriate agencies or subdivisions of the State of California in order to facilitate a bond issue, federally-guaranteed loan, or other appropriate financing instrument, for the purpose of implementing this Settlement.

(2) REQUIREMENTS.—If the Secretary and an appropriate agency or subdivision of the State of California enter into such an agreement, and if such agency or subdivision issues 1 or more revenue bonds, procures a federally secured loan, or other appropriate financing to fund implementation of the Settlement, and if such agency deposits the proceeds received from such bonds, loans, or financing into the Fund pursuant to subsection (c)(3), monies specified in paragraphs (1) and (2) of subsection (c) shall be provided by the Friant Division long-term contractors directly to such public agency or subdivision of the State of California to repay the bond, loan or financing rather than into the Fund.

(3) DISPOSITION OF PAYMENTS.—After the satisfaction of any such bond, loan, or financing, the payments specified in paragraphs (1) and (2) of subsection (c) shall be paid directly into the Fund authorized by this section.

(e) LIMITATION ON CONTRIBUTIONS.—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(2) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(f) NO ADDITIONAL EXPENDITURES REQUIRED.—Nothing in this Act shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(g) REACH 4B.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the Settlement and the Memorandum of Understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of Reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) DEADLINE.—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in Reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this Act, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) DETERMINATION REQUIRED.—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in Reach 4B.

(3) COSTS.—If the Secretary's estimated Federal cost for expanding Reach 4B in paragraph (2), in light of the Secretary's funding plan set out in paragraph (2), would exceed the remaining Federal funding authorized by this Act (including all funds reallocated, all funds dedicated, and all new funds authorized by this Act and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in Reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this Act in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term ''third party'' means persons or entities diverting or receiving water pursuant to applicable State and Federal law and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

By Mr. KOHL:

S. 28. A bill to amend title XVIII of the Social Security Act to require the use of generic drugs under the Medicare part D prescription drug program when available unless the brand name drug is determined to be medically necessary; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Generics First Act. This legislation requires the use of available generic drugs under the Medicare Part D prescription drug program, unless the brand name drug is determined to be medically necessary by a physician.

Everywhere I go in Wisconsin, I see how prescription drug costs are a drain on seniors, families, and businesses that are struggling to pay their health care bills. They want help now and we can respond by expanding access to generic drugs. Generics, which on average cost 63 percent less than their brand-name counterparts, are a big part of the solution to health care costs that are spiraling out of control.

The private and public sectors, as well as individuals, are seeking relief from high drug costs, and Senate Special Committee on Aging has heard some remarkable success stories from some who have turned to generic drugs. Last year, General Motors testified that, in 2005, they spent $1.9 billion dollars on prescription drugs, 40 percent of their total health care spending. Their program to use generics first, when a generic drug is available, saves GM nearly $400 million a year.

Last year, millions of seniors exceeded the initial $2,250 Medicare drug benefit and fell into the ''donut hole,'' where they had to pay the full price of their drugs. Using less expensive, but equally effective, generic drugs will keep seniors out of the ''donut hole'' longer and help them survive the gap in coverage.

Generic drugs approved by the FDA must meet the same rigorous standards for safety and effectiveness as brand-name drugs. In addition to being safe and effective, the generic must have the same active ingredient or ingredients, be the same strength, and have the same labeling for the approved uses as the brand drug. Generics perform the same as their respective brand name product.

Modeled after similar provisions in many state-administered Medicaid programs, this measure would reduce the high costs of the new prescription drug program and keep seniors from reaching the current gap in coverage or ''donut hole'' by guiding beneficiaries toward cost-saving generic drug alternatives.

We know generic drugs have the potential to save seniors thousands of dollars, and curb health spending for the Federal Government, employers, and families. And every year, more blockbuster drugs are coming off patent, setting up the potential for billions of dollars in savings. This legislation is one piece of a larger agenda I'm pushing to remove the obstacles that prevent generics from getting to market, and making sure that every senior, every family, every business, and every government program knows the value of generics and uses them to bring costs down. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 28

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 ''Generics First Act of 2007''.

SEC. 2. REQUIRED USE OF GENERIC DRUGS UNDER THE MEDICARE PART D PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D–2(e)(2) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)) is amended by adding at the end the following new subparagraph:

''(C) NON-GENERIC DRUGS UNLESS CERTAIN REQUIREMENTS ARE MET.—

''(i) IN GENERAL.—Such term does not include a drug that is a nongeneric drug unless–

''(I) no generic drug has been approved under the Federal Food, Drug, and Cosmetic Act with respect to the drug; or

''(II) the nongeneric drug is determined to be medically necessary by the individual prescribing the drug and prior authorization for the drug is obtained from the Secretary.

''(ii) DEFINITIONS.—In this subparagraph:

''(I) GENERIC DRUG.—The term 'generic drug' means a drug that is the subject of an application approved under subsection (b)(2) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act, for which the Secretary has made a determination that the drug is the therapeutic equivalent of a listed drug under section 505(j)(7) of such Act.

''(II) NONGENERIC DRUG.—The term 'nongeneric drug' means a drug that is the subject of an application approved under—

''(aa) section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act; or

''(bb) section 505(b)(2) of such Act and that has been determined to be not therapeutically equivalent to any listed drug.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs dispensed on or after the date of enactment of this Act.

By Ms. LANDRIEU:

S. 29. A bill to clarify the tax treatment of certain payments made to homeowners by the Louisiana Recovery Authority and the Mississippi Development Authority; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, at the end of the 109th Congress, I learned that the Internal Revenue Service had a tax surprise for citizens in my state of Louisiana and in Mississippi who are trying to rebuild after Katrina. This tax surprise will set back our recovery and discourage our citizens from coming home.

Let me explain to my colleagues what I am talking about. Both Louisiana and Mississippi have established programs to help families rebuild their homes and their lives after Katrina and Rita. Congress appropriated the money for these initiatives—more than $10 billion in all, and we are very grateful for the assistance. The Louisiana program is called the ''Road Home'' and it is administered by the Louisiana Recovery Authority (LRA). The program is now starting to get going. Homeowners are eligible to receive grants from the Road Home of up to $150,000 to help them rebuild or repair their homes. Rental properties are also eligible. Grants can also be used to buy out homes. The Louisianians who were displaced by the storms want to go home and the Road Home program will get them there.

But the IRS has dug a big pothole in the middle of the Road Home by making some of these payments taxable. The way this tax surprise works is by requiring that any hurricane victim who claimed a casualty loss deduction for damage to their home on their tax return for 2005 will have to reduce that loss by the amount of any payment from the LRA. So if they had their taxes reduced in one year and received a Road Home grant the next year, they have to essentially eliminate any benefit of the earlier casualty loss deduction. Their taxes will go up.

Now I realize that under normal circumstances, when a person's home burns down, the roof caves in, or they are a victim of theft, they can take a casualty loss deduction, provided it meets certain requirements. The loss must exceed ten percent of the taxpayer's adjusted gross income, with a per loss floor of $100. In some circumstances, taxpayers are permitted to include a current-year casualty loss on an amended prior year return.

Immediately after Katrina, we enacted the Katrina Emergency Tax Relief Act (KETRA) that suspended the ten percent floor for casualty losses incurred in the Hurricane Katrina disaster area, including those claimed on amended returns. The purpose of the change in KETRA was simple: we wanted to put money in the hands of Katrina victims as quickly as possible. We essentially encouraged taxpayers to take this casualty loss, even by amending a past return. The IRS would then provide them with a refund.

This was a very helpful proposal in the days immediately following Katrina, Mr. President. Hurricane victims needed that money. If you had lost your home, that money could help

you pay for a place to live. Many hurricane victims lost their jobs and needed this money to see them through until they started working again. They used the money to begin the rebuilding of their lives.

Congress encouraged people to take the new deduction by changing the law. Now the IRS wants to take it back.

I fully understand the policy behind what the IRS is doing. Casualty loss deductions are normally reduced by the amount of any insurance or other recovery they make on the loss. In fact, at the time the taxpayer makes the deduction he or she is supposed to reduce the amount of the loss by any insurance recovery they reasonably expect to receive. If you receive a larger payment than you expected at a future time, you must claim it on your income tax return when you receive it.

The problem is that this policy will encourage people to leave Louisiana. If you took the casualty loss on your return, and you receive a $150,000 Road Home payment to rebuild your house, you will have a tax consequence. But if you took the casualty loss and sold your house to the LRA for the $150,000 payment, it is treated like a home sale and there is no tax. This policy creates a disincentive to recovery. The Road Home will become the Road Out.

Congress has done a tremendous job passing legislation to encourage investment and the rebuilding of the Gulf Coast. At the end of the last session we passed a tax extenders bill that contained a two-year extension of the bonus depreciation for investment in the most seriously damaged areas in the GO Zone. That investment is supposed to attract businesses and people to Louisiana and the Gulf. The IRS's actions will only keep people away. We should not put road blocks in the way of the Road Home.

Today, I am introducing legislation to eliminate this road block to our recovery and to clarify that Road Home payments are not to be taxed. The hurricanes in 2005 were remarkable events causing unprecedented damage. As Congress has done in the past, we must continue to respond in unprecedented and innovative ways. I encourage my colleagues to support this bill.

By Mr. BAUCUS:

S. 41. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, back in 1962, Marshall McLuhan wrote, ''The new electronic interdependence recreates the world in the image of a global village.'' Certainly, 40 years later, that concept is truer than ever. As we prepare for the future in this global village, we need to affirm America's leadership role in the world.

The United States accounts for one-third of the world's spending on scientific research and development, ranking first among all countries. While this is impressive, relative to GDP, though, the United States falls to sixth place. And the trends show that maintaining American leadership in the future depends on increased commitment to research and science.

Asia has recognized this. Asia is plowing more funding into science and education. China, in particular, understands that technological advancement means security, independence, and economic growth. Spending on research and development has increased by 140 percent in China, Korea and Taiwan. In America, it has increased by only 34 percent.

Asia's commitment is already paying off. More than a hundred Fortune 500 companies have opened research centers in India and China. I have visited some of them. I was impressed with the level of skill of the workers I met there.

China's commitment to research, at $60 billion in expenditures, is dramatic by any measure. Over the last few years, China has doubled the share of its economy that it invests in research. China intends to double the amount committed to basic research in the next decade. Currently, only America beats out China in numbers of researchers in the workforce.

Today, I am pleased to introduce the Research Competitiveness Act of 2007. This bill would improve our research competitiveness in four major areas. All four address incentives in our tax code. Government also supports research through federal spending. But I am not addressing those areas today.

First, my bill improves and simplifies the credit for applied research in section 41 of the tax code. This credit has grown to be overly complex, both for taxpayers and the IRS. Beginning in 2008, my bill would create a simpler 20 percent credit for qualifying research expenses that exceed 50 percent of the average expenses for the prior 3 years.

And just as important: The bill makes the credit permanent. Because the credit has been temporary, it has simply not been as effective as it could be. Since its creation in 1981, it has been extended 11 times. Congress even allowed it to lapse during one period.

The credit last expired in December of 2005. After much consternation and delay, Congress passed a two-year extension just last month, extending the credit for 2006 and 2007. These temporary extensions have taken their toll on taxpayers. In 2005, the experts at the Joint Committee on Taxation wrote: ''Perhaps the greatest criticism of the R&E credit among taxpayers regards its temporary nature.'' Joint Tax went on to say, ''A credit of longer duration may more successfully induce additional research than would a temporary credit, even if the temporary credit is periodically renewed.''

Currently, there are three different ways to claim a tax credit for qualifying research expenses. First, the ''traditional'' credit relies on incremental increases in expenses compared to a mid-1980s base period. Second, the ''alternative incremental'' credit measures the increase in research over the average of the prior 4 years.

Both of these credits have base periods involving gross receipts. Under the new tax bill enacted last month, a third formula was created, which does not rely on gross receipts and is available only for 2007. My bill simplifies these credits by using this new credit only, known as the ''Alternative Simplified Credit,'' based on research spending without reference to gross receipts. The current formulas hurt companies that have fluctuating sales. And it hurts companies that take on a new line of business not dependent on research.

This new, simpler formula in my bill would not start until 2008. That start date would give companies plenty of time to adjust their accounting.

The main complaint about the existing credits is that they are very complex, particularly the reference to the 20-year-old base period. This base period creates problems for the taxpayer in trying to calculate the credit. And it creates problems for the IRS in trying to administer and audit those claims.

The new credit focuses only on expenses, not gross receipts. And it is still an incremental credit, so that companies must continue to increase research spending over time. Further, this bill adds a mandate for a Treasury study to look at substantiation issues and ensure that current recordkeeping requirements assist the IRS without unduly burdening the taxpayer.

A tax credit is a cost-effective way to promote R&E. A report by the Congressional Research Service finds that without government support, investment in R&E would fall short of the socially optimal amount. Thus CRS endorses Government policies to boost private sector R&E.

Also, American workers who are engaged in R&E activities benefit from some of the most intellectually stimulating, high-paying, high-skilled jobs in the economy.

My own State of Montana has excellent examples of this economic activity. During the 1990s, about 400 establishments in Montana provided high-technology services, at an average wage of about $35,000 per year. These jobs paid nearly 80 percent more than the average private sector wage, which was less than $20,000 a year during the same period. Many of these jobs would never have been created without the assistance of the R&E credit.

My research bill would also establish a uniform reimbursement rate for all contract and consortia R&E. It would provide that 80 percent of expenses for

research performed for the taxpayer by other parties count as qualifying research expenses under the regular credit.

Currently, when a taxpayer pays someone else to perform research for the taxpayer, the taxpayer can claim one of three rates in order to determine how much the taxpayer can include for the research credit. The lower amount is meant to assure overhead expenses that normally do not qualify for the R&E credit are not counted. Different rates, however, create unnecessary complexity. Therefore, my bill creates a uniform rate of 80 percent.

The second major research area that this bill addresses is the need to enhance and simplify the credit for basic research. This credit benefits universities and other entities committed to basic research. And it benefits the companies or individuals who donate to them. My bill provides that payments under the university basic research credit would count as contractor expenses at the rate of 100 percent.

The current formula for calculating the university basic research credit—defined as research ''for the advancement of science with no specific commercial objective''—is even more complex than the regular traditional R&E credit. Because of this complexity, this credit costs less than one-half of 1 percent of the cost of the regular R&E credit. It is completely underutilized. It needs to be simplified to encourage businesses to give more for basic research.

American universities have been powerful engines of scientific discovery. To maintain our premier global position in basic research, America relies on sustained high levels of basic research funding and the ability to recruit the most talented students in the world. The gestation of scientific discovery is long. At least at first, we cannot know the commercial applications of a discovery. But America leads the world in biotechnology today because of support for basic research in chemistry and physics in the 1960s. Maintaining a commitment to scientific inquiry, therefore, must be part of our vision for sustained competitiveness.

Translating university discoveries into commercial products also takes innovation, capital, and risk. The Center for Strategic and International Studies asked what kind of government intervention can maintain technological leadership. One source of technological innovation that provides America with comparative advantage is the combination of university research programs, entrepreneurs, and risk capital from venture capitalists, corporations, or governments. Research clusters around Silicon Valley and North Carolina's Research Triangle exemplify this sort of combination.

The National Academies reached a similar conclusion in a 2002 review of the National Nanotechnology Initiatives. In a report, they wrote: ''To enhance the transition from basic to applied research, the committee recommends that industrial partnerships be stimulated and nurtured to help accelerate the commercialization of national nanotechnology developments.''

To further that goal, the third major area this bill addresses is fostering the creation of research parks. This part of the bill would benefit state and local governments and universities that want to create research centers for businesses incubating scientific discoveries with promise for commercial development.

Stanford created the nation's first high-tech research park in 1951, in response to the demand for industrial land near the university and an emerging electronics industry tied closely to the School of Engineering. The Stanford Research Park traces its origins to a business started with $538 in a Palo Alto garage by two men named Bill Hewlett and Dave Packard. The Park is now home to 140 companies in electronics, software, biotechnology, and other high tech fields.

Similarly, the North Carolina Research Triangle was founded in 1959 by university, government, and business leaders with money from private contributions. It now has 112 research and development organizations, 37,600 employees, and capital investment of more than $2.7 billion. More recently, Virginia has fostered a research park now housing 53 private-sector companies, nonprofits, VCU research institutes, and state laboratories. The Virginia park employs more than 1,300 people.

The creation of these parks would seem to be an obvious choice. But it takes a significant commitment from a range of sources to bring them into being. To foster the creation and expansion of these successful parks, my bill will encourage their creation through the use of tax-exempt bond financing. Allowing tax-exempt bond authority would bring down the cost to establish such parks.

Foreign countries are emulating this successful formula. They are establishing high-tech clusters through government and university partnerships with private industry.

Back in 2000, a partnership was formed to foster TechRanch to assist Montana State University and other Montana-based research institutions in their efforts to commercialize research. But TechRanch is desperately in need of some new high-tech facilities. It could surely benefit from a provision such as this. I encourage my Colleagues to visit research parks in their states to see how my bill could be helpful in fostering more successful ventures.

A related item is a small fix to help universities that use tax-exempt bonds to build research facilities primarily for federal research in the basic or fundamental research area. Some of these facilities housing federal research—mostly NIH and NSF funded projects—are in danger of losing their tax-exempt bond status. Counsel have notified some state officials that they may be running afoul of a prohibition on ''private use'' in the tax code, because one private party has a superior claim to others in the use of inventions that result from research.

The complication comes from a 1980 law. In 1980, Congress enacted the Patent and Trademark Law Amendments Act, also known as the Bayh-Dole Act. The Bayh-Dole Act requires the Federal Government to retain a non-exclusive, royalty-free right on any discovery. In order to foster more basic research through Federal-state-university partnerships, we need to clarify that this provision of the Bayh-Dole act does not cause these bonds to lose their taxexempt status. And my bill directs the Treasury Department to do so. I understand that the Treasury Department is aware of this significant concern. Whether or not Congress enacts my legislation, I hope that the Treasury Department will clarify the situation soon.

The fourth major area that my bill addresses is innovation at the small business level. Last year, representatives of a number of small nanotechnology companies came to visit me. They told me that their greatest problem was surviving what they called the ''valley of death.'' That's what they called the first few years of business, when an entrepreneur has a promising technology but little money to test or develop it. Many businesses simply do not survive the ''valley of death.'' I believe that Congress should find a way to assist these businesses with promising technology.

Nanotechnology, for instance, shows much promise. According to a recent report, over the next decade, nanotechnology will affect most manufactured goods. As stated in Senate testimony by one National Science Foundation official last year, ''Nanotechnology is truly our next great frontier in science and engineering.'' It took me a while to understand just what nanotechnology is. But it is basically the control of things at very, very small dimensions. By understanding and controlling at that dimension, people can find new and unique applications. These applications range from common consumer products—such as making our sunblocks better—to improving disease-fighting medicines—to designing more fuel-efficient cars.

So, to help these small businesses convert their promising science into successful businesses, my bill would establish tax credits for investments in qualifying small technology innovation companies. These struggling start-up

ventures often cannot utilize existing incentives in the tax code—like the R&E tax credit—because they have no tax liability and may have little income for the first few years. They need access to cheap capital to get through those first few research-intensive years.

The credit in my bill would be similar to the existing and successful New Markets Tax Credit. The New Markets Credit has provided billions of dollars of investment to low-income communities across the country. In my bill, entities with some expertise and knowledge of research would receive an allocation from Treasury to analyze and select qualifying research investments. These investment entities would then target small business with promising technologies that focus the majority of their expenditures on activity qualifying as research expenses under the R&E credit.

In sum, my bill would boost both applied and basic research. It would boost research by businesses big and small. And it would foster research by for-profit and non-profits alike.

McLuhan's quote about the global village was taken by many at the time as a wake-up call to a changing world. Since then, many more leaders in this village have emerged. Let us work to see that the next big technological advance is discovered here in America. Only through continued commitment to research can We ensure that it is.

By Mr. MCCONNELL (for Ms. MURKOWSKI):

S. 42. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Homeland Security and Governmental Affairs.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the test of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 42

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 ''Arctic Research and Policy Amendments Act of 2007''.

SEC. 2. CHAIRPERSON OF THE ARCTIC RESEARCH COMMISSION.

(a) COMPENSATION.—Section 103(d)(1) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(1)) is amended in the second sentence by striking ''90 days'' and inserting '', in the case of the chairperson, 120 days, and, in the case of any other member, 90 days,''.

(b) REDESIGNATION.—Section 103(d)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(2)) is amended by striking ''Chairman'' and inserting ''chairperson''.

By Mr. REID (for Mr. INOUYE):

S. 53. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce the Rural Preventive Health Care Training Act, a bill that responds to the dire need of our rural communities for quality health care and disease prevention programs. Almost one fourth of Americans live in rural areas and frequently lack access to adequate physical and mental health care. As many as 21 million of the 34 million people living in underserved rural areas are without access to a primary care provider. Even in areas where providers do exist, there are numerous limits to access, such as geography, distance, lack of transportation, and lack of knowledge about available resources. Due to the diversity of rural populations, language and cultural obstacles are often a factor in the access to medical care.

Compound these problems with limited financial resources, and the result is that many Americans living in rural communities go without vital health care, especially preventive care. Children fail to receive immunizations and routine checkups. Preventable illnesses and injuries occur needlessly, and lead to expensive hospitalizations. Early symptoms of emotional problems and substance abuse go undetected, and often develop into full-blown disorders.

An Institute of Medicine (IOM) report entitled, ''Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research,'' highlights the benefits of preventive care for all health problems. The training of health care providers in prevention is crucial in order to meet the demand for care in underserved areas. Currently, rural health care providers lack preventive care training opportunities.

Interdisciplinary preventive training of rural health care providers must be encouraged. Through such training, rural health care providers can build a strong educational foundation from the behavioral, biological, and psychological sciences. Interdisciplinary team prevention training will also facilitate operations at sites with both health and mental health clinics by facilitating routine consultation between groups. Emphasizing the mental health disciplines and their services as part of the health care team will contribute to the overall health of rural communities.

The Rural Preventive Health Care Training Act would implement the risk-reduction model described in the IOM study. This model is based on the identification of risk factors and targets specific interventions for those risk factors. The human suffering caused by poor health is immeasurable, and places a huge financial burden on communities, families, and individuals. By implementing preventive measures to reduce this suffering, the potential psychological and financial savings are enormous.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 53

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 ''Rural Preventive Health Care Training Act of 2007''.

SEC. 2. PREVENTIVE HEALTH CARE TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by inserting after section 754 the following:

''SEC. 754A. PREVENTIVE HEALTH CARE TRAINING.

''(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, eligible applicants to enable such applicants to provide preventive health care training, in accordance with subsection (c), to health care practitioners practicing in rural areas. Such training shall, to the extent practicable, include training in health care to prevent both physical and mental disorders before the initial occurrence of such disorders. In carrying out this subsection, the Secretary shall encourage, but may not require, the use of interdisciplinary training project applications.

''(b) LIMITATION.—To be eligible to receive training using assistance provided under subsection (a), a health care practitioner shall be determined by the eligible applicant involved to be practicing, or desiring to practice, in a rural area.

''(c) USE OF ASSISTANCE.—Amounts received under a grant made or contract entered into under this section shall be used—

''(1) to provide student stipends to individuals attending rural community colleges or other institutions that service predominantly rural communities, for the purpose of enabling the individuals to receive preventive health care training;

''(2) to increase staff support at rural community colleges or other institutions that service predominantly rural communities to facilitate the provision of preventive health care training;

''(3) to provide training in appropriate research and program evaluation skills in rural communities;

''(4) to create and implement innovative programs and curricula with a specific prevention component; and

''(5) for other purposes as the Secretary determines to be appropriate.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2008 through 2011.''.

By Mr. REID (for Mr. INOUYE):

S. 54. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State medicaid programs; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Nursing School Clinics Act. This measure builds on our concerted efforts to provide access to quality health care for all Americans by offering grants and incentives for nursing schools to establish primary care

clinics in underserved areas where additional medical services are most needed. In addition, this measure provides the opportunity for nursing schools to enhance the scope of student training and education by providing firsthand clinical experience in primary care facilities.

Primary care clinics administered by nursing schools are university or nonprofit primary care centers developed mainly in collaboration with university schools of nursing and the communities they serve. These centers are staffed by faculty and staff who are nurse practitioners and public health nurses. Students supplement patient care while receiving preceptorships provided by college of nursing faculty and primary care physicians, often associated with academic institutions, who serve as collaborators with nurse practitioners. To date, the comprehensive models of care provided by nursing clinics have yielded excellent results, including significantly fewer emergency room visits, fewer hospital inpatient days, and less use of specialists, as compared to conventional primary health care.

This bill reinforces the principle of combining health care delivery in underserved areas with the education of advanced practice nurses. To accomplish these objectives, Title XIX of the Social Security Act would be amended to designate that the services provided in these nursing school clinics are reimbursable under Medicaid. The combination of grants and the provision of Medicaid reimbursement furnishes the financial incentives for clinic operators to establish the clinics.

In order to meet the increasing challenges of bringing cost-effective and quality health care to all Americans, we must consider a wide range of proposals, both large and small. Most importantly, we must approach the issue of health care with creativity and determination, ensuring that all reasonable avenues are pursued. Nurses have always been an integral part of health care delivery. The Nursing School Clinics Act recognizes the central role nurses can perform as care givers to the medically underserved.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 54

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 ''Nursing School Clinics Act of 2007''.

SEC. 2. MEDICAID COVERAGE OF SERVICES PROVIDED BY NURSING SCHOOL CLINICS.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (27), by striking ''and'' at the end;

(2) by redesignating paragraph (28) as paragraph (29); and

(3) by inserting after paragraph (27), the following new paragraph:

''(28) nursing school clinic services (as defined in subsection (y)) furnished by or under the supervision of a nurse practitioner or a clinical nurse specialist (as defined in section 1861(aa)(5)), whether or not the nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider; and''.

(b) NURSING SCHOOL CLINIC SERVICES DEFINED.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

''(y) The term 'nursing school clinic services' means services provided by a health care facility operated by an accredited school of nursing which provides primary care, long-term care, mental health counseling, home health counseling, home health care, or other health care services which are within the scope of practice of a registered nurse.''.

(c) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ''and (28)'' after ''(24)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to payments made under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar quarters commencing with the first calendar quarter beginning after the date of enactment of this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SCHUMER, Mr. KYL, and Mr. CRAPO):

S. 55. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax; to the Committee on Finance.

Mr. BAUCUS. Mr. President, there is a monster in the tax code. Like Frankenstein, the Alternative Minimum Tax brings back to life higher taxes. Higher taxes that families had been told not to worry about are brought back because of the Alternative Minimum Tax, or AMT. It is a monster that really cannot be improved. It cannot be made to work right. It is time to draw the curtain on this monster.

That is why I am pleased to join with my friend CHUCK GRASSLEY, and our fellow Committee colleagues, Senators SCHUMER, KYL, and CRAPO to introduce legislation today that will repeal the individual AMT. Our bill simply says that beginning January 1, 2007, individuals will owe zero dollars under the AMT. Further, our bill provides that individuals with AMT credits can continue to use those credits up to 90 percent of their regular tax liability.

If we don't act, in 2007, the family-unfriendly AMT will hit middle-income families earning $61,000 with three children. What was once meant to ensure that a handful of millionaires did not eliminate all taxes through excessive deductions is now meaning millions of working families, including thousands in my home State of Montana, are subject to a higher stealth tax. It is truly bizarre that we've designed a tax that deems more children ''excessive deductions'' and punishes duly paying your State taxes. Already, 5,000 Montana families pay a higher tax because of the AMT. But this number could multiply many times over if we don't act soon.

Not only is the AMT unfair and poorly targeted, it is an awful mess to figure out. The National Taxpayer Advocate has singled out this item as causing the most complexity for individual taxpayers.

Of course, repeal does not come without cost and that cost is significant even if we assume the 2001 and 2003 tax cuts aren't extended. We are committed to working together to identify reasonable offsets. Certainly, I don't think we want a tax system unfairly placing a higher tax burden on millions of middle-income families with children. But it doesn't serve those families either if our budget deficit is significantly worse.

Like Frankenstein's monster, the AMT brings a most unpleasant reaction from those whom it encounters. It is time we end this drama and repeal the AMT.

By Mr. REID (for Mr. INOUYE):

S. 56. A bill to provide relief to the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, almost twelve years ago, I stood before you to introduce a bill ''to provide an opportunity for the Pottawatomi Nation in Canada to have the merits of their claims against the United States determined by the United States Court of Federal Claims.''

That bill was introduced as Senate Resolution 223, which referred the Pottawatomi's claim to the Chief Judge of the U.S. Court of Federal Claims and required the Chief Judge to report back to the Senate and provide sufficient findings of fact and conclusions of law to enable the Congress to determine whether the claim of the Pottawatomi Nation in Canada is legal or equitable in nature, and the amount of damages, if any, which may be legally or equitably due from the United States.

Seven years ago, the Chief Judge of the Court of Federal Claims reported back that the Pottawatomi Nation in Canada has a legitimate and credible legal claim. Thereafter, by settlement stipulation, the United States has taken the position that it would be ''fair, just and equitable'' to settle the claims of the Pottawatomi Nation in Canada for the sum of $1,830,000. This settlement amount was reached by the parties after seven years of extensive, fact-intensive litigation. Independently, the court concluded that the settlement amount is ''not a gratuity''

and that the ''settlement was predicated on a credible legal claim.'' Pottawatomi Nation in Canada, et al. v. United States, Cong. Ref. 94–1037X at 28 (Ct. Fed. Cl., September 15, 2000) (Report of Hearing Officer).

The bill I introduce today is to authorize the appropriation of those funds that the United States has concluded would be ''fair, just and equitable'' to satisfy this legal claim. If enacted, this bill will finally achieve a measure of justice for a tribal nation that has for far too long been denied.

For the information of our colleagues, this is the historical background that informs the underlying legal claim of the Canadian Pottawatomi.

The members of the Pottawatomi Nation in Canada are one of the descendant groups—successors-in-interest—of the historical Pottawatomi Nation and their claim originates in the latter part of the 18th century. The historical Pottawatomi Nation was aboriginal to the United States. They occupied and possessed a vast expanse in what is now the States of Ohio, Michigan, Indiana, llinois, and Wisconsin. From 1795 to 1833, the United States annexed most of the traditional land of the Pottawatomi Nation through a series of treaties of cession—many of these cessions were made under extreme duress and the threat of military action. In exchange, the Pottawatomis were repeatedly made promises that the remainder of their lands would be secure and, in addition, that the United States would pay certain annuities to the Pottawatomi.

In 1829, the United States formally adopted a Federal the policy of removal—an effort to remove all Indian tribes from their traditional lands east of the Mississippi River to the west. As part of that effort, the government increasingly pressured the Pottawatomis to cede the remainder of their traditional lands—some five million acres in and around the city of Chicago and remove themselves west. For years, the Pottawatomis steadfastly refused to cede the remainder of their tribal territory. Then in 1833, the United States, pressed by settlers seeking more land, sent a Treaty Commission to the Pottawatomi with orders to extract a cession of the remaining lands. The Treaty Commissioners spent 2 weeks using extraordinarily coercive tactics—including threats of war—in an attempt to get the Pottawatomis to agree to cede their territory. Finally, those Pottawatomis who were present relented and on September 26, 1933, they ceded their remaining tribal estate through what would be known as the Treaty of Chicago. Seventy-seven members of the Pottawatomi Nation signed the Treaty of Chicago. Members of the ''Wisconsin Band'' were not present and did not assent to the cession.

In exchange for their land, the Treaty of Chicago provided that the United States would give to the Pottawatomis 5 million acres of comparable land in what is now Missouri. The Pottawatomi were familiar with the Missouri land, aware that it was similar to their homeland. But the Senate refused to ratify that negotiated agreement and unilaterally switched the land to five million acres in Iowa. The Treaty Commissioners were sent back to acquire Pottawatomi assent to the Iowa land. All but seven of the original 77 signatories refused to accept the change even with promises that if they were dissatisfied ''justice would be done.''

Treaty of Chicago, as amended, Article 4. Nevertheless, the Treaty of Chicago was ratified as amended by the Senate in 1834. Subsequently, the Pottawatomis sent a delegation to evaluate the land in Iowa. The delegation reported back that the land was ''not fit for snakes to live on.''

While some Pottawatomis removed westward, many of the Pottawatomis—particularly the Wisconsin Band, whose leaders never agreed to the Treaty—refused to do so. By 1836, the United States began to forcefully remove Pottawatomis who remained in the east—with devastating consequences. As is true with many other American Indian tribes, the forced removal westward came at great human cost. Many of the Pottawatomi were forcefully removed by mercenaries who were paid on a per capita basis government contract. Over one-half of the Indians removed by these means died en route. Those who reached Iowa were almost immediately removed further to inhospitable parts of Kansas against their will and without their consent.

Knowing of these conditions, many of the Pottawatomis including most of those in the Wisconsin Band vigorously resisted forced removal. To avoid Federal troops and mercenaries, much of the Wisconsin Band ultimately found it necessary to flee to Canada. They were often pursued to the border by government troops, government-paid mercenaries or both. Official files of the Canadian and United States governments disclose that many Pottawatomis were forced to leave their homes without their horses or any of their possessions other than the clothes on their backs.

By the late 1830s, the government refused payment of annuities to any Pottawatomi groups that had not removed west. In the 1860s, members of the Wisconsin Band—those still in their traditional territory and those forced to flee to Canada—petitioned Congress for the payment of their treaty annuities promised under the Treaty of Chicago and all other cession treaties. By the Act of June 25, 1864 (13 Stat. 172) the Congress declared that the Wisconsin Band did not forfeit their annuities by not removing and directed that the share of the Pottawatomi Indians who had refused to relocate to the west should be retained for their use in the United States Treasury. (H.R. Rep. No. 470, 64th Cong., p. 5, as quoted on page 3 of memo dated October 7, 1949.) Nevertheless, much of the money was never paid to the Wisconsin Band.

In 1903, the Wisconsin Band—most of whom now resided in three areas, the States of Michigan and Wisconsin and the Province of Ontario—petitioned the Senate once again to pay them their fair portion of annuities as required by the law and treaties. (Sen. Doc. No. 185, 57th Cong., 2d Sess.) By the Act of June 21, 1906 (34 Stat. 380), the Congress directed the Secretary of the Interior to investigate claims made by the Wisconsin Band and establish a roll of the Wisconsin Band Pottawatomis that still remained in the East. In addition, the Congress ordered the Secretary to determine ''the[] [Wisconsin Bands] proportionate shares of the annuities, trust funds, and other moneys paid to or expended for the tribe to which they belong in which the claimant Indians have not shared, [and] the amount of such monies retained in the Treasury of the United States to the credit of the clamant Indians as directed the provision of the Act of June 25, 1864.''

In order to carry out the 1906 Act, the Secretary of Interior directed Dr. W.M. Wooster to conduct an enumeration of Wisconsin Band Pottawatomi in both the United States and Canada. Dr. Wooster documented 2007 Wisconsin Pottawatomis: 457 in Wisconsin and Michigan and 1550 in Canada. He also concluded that the proportionate share of annuities for the Pottawatomis in Wisconsin and Michigan was $477,339 and that the proportionate share of annuities due the Pottawatomi Nation in Canada was $1,517,226. The Congress thereafter enacted a series of appropriation Acts from June 30, 1913 to May 29, 1928 to satisfy most of money owed to those Wisconsin Band Pottawatomis residing in the United States. However, the Wisconsin Band Pottawatomis who resided in Canada were never paid their share of the tribal funds.

Since that time, the Pottawatomi Nation in Canada has diligently and continuously sought to enforce their treaty rights, although until this congressional reference, they had never been provided their day in court. In 1910, the United States and Great Britain entered into an agreement for the purpose of dealing with claims between both countries, including claims of Indian tribes within their respective jurisdictions, by creating the Pecuniary Claims Tribunal. From 1910 to 1938, the Pottawatomi Nation in Canada diligently sought to have their claim heard in this international forum. Overlooked for more pressing international matters of the period, including the intervention of World War I,

the Pottawatomis then came to the U.S. Congress for redress of their claim.

In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-delayed day in court. The Indian Claims Commission Act (ICCA) granted the Commission jurisdiction over claims such as the type involved here. In 1948, the Wisconsin Band Pottawatomis from both sides of the border—brought suit together in the Indian Claims Commission for recovery of damages. Hannahville Indian Community v. U.S., No. 28 (Ind. Cl. Comm. Filed May 4, 1948). Unfortunately, the Indian Claims Commission dismissed Pottawatomi Nation in Canada's part of the claim ruling that the Commission had no jurisdiction to consider claims of Indians living outside territorial limits of the United States. Hannahville Indian Community v. U.S., 115 Ct. Cl. 823 (1950). The claim of the Wisconsin Band residing in the United States that was filed in the Indian Claims Commission was finally decided in favor of the Wisconsin Band by the U.S. Claims Court in 1983. Hannahville Indian Community v. United States, 4 Ct. Cl. 445 (1983). The Court of Claims concluded that the Wisconsin Band was owed a member's proportionate share of unpaid annuities from 1838 through 1907 due under various treaties, including the Treaty of Chicago and entered judgment for the American Wisconsin Band Pottawatomis for any monies not paid. Still the Pottawatomi Nation in Canada was excluded because of the jurisdictional limits of the ICCA.

Undaunted, the Pottawatomi Nation in Canada came to the Senate and after careful consideration, we finally gave them their long-awaited day in court through the congressional reference process. The court has now reported back to us that their claim is meritorious and that the payment that this bill would make constitutes a ''fair, just and equitable'' resolution to this claim.

The Pottawatomi Nation in Canada has sought justice for over 150 years. They have done all that we asked in order to establish their claim. Now it is time for us to finally live up to the promise our government made so many years ago. It will not correct all the wrongs of the past, but it is a demonstration that this government is willing to admit when it has left unfulfilled an obligation and that the United States is willing to do what we can to see that justice—so long delayed is not now denied.

Finally, I would just note that the claim of the Pottawatomi Nation in Canada is supported through specific resolutions by the National Congress of American Indians, the oldest, largest and most-representative tribal organization here in the United States, the Assembly of First Nations (which includes all recognized tribal entities in Canada), and each and every of the Pottawatomi tribal groups that remain in the United States today.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 56

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

SECTION 1. SETTLEMENT OF CERTAIN CLAIMS.

(a) AUTHORIZATION FOR PAYMENT.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary of the Treasury shall pay to the Pottawatomi Nation in Canada $1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) PAYMENT IN ACCORDANCE WITH STIPULATION FOR RECOMMENDATION OF SETTLEMENT.—The payment under subsection (a) shall—

(1) be made in accordance with the terms and conditions of the Stipulation for Recommendation of Settlement dated May 22, 2000, entered into between the Pottawatomi Nation in Canada and the United States (referred to in this Act as the ''Stipulation for Recommendation of Settlement''); and

(2) be included in the report of the Chief Judge of the United States Court of Federal Claims regarding Congressional Reference No. 94–1037X, submitted to the Senate on January 4, 2001, in accordance with sections 1492 and 2509 of title 28, United States Code.

(c) FULL SATISFACTION OF CLAIMS.—The payment under subsection (a) shall be in full satisfaction of all claims of the Pottawatomi Nation in Canada against the United States that are referred to or described in the Stipulation for Recommendation of Settlement.

(d) NONAPPLICABILITY.—Notwithstanding any other provision of law, the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) does not apply to the payment under subsection (a).

By Mr. REID (for Mr. INOUYE):

S. 57. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, many of you know of my continued support and advocacy on the importance of addressing the plight of Filipino World War II veterans. As an American, I believe the treatment of Filipino World War II veterans is bleak and shameful. The Philippines became a United States possession in 1898, when it was ceded by Spain, following the Spanish-American War. In 1934, the Congress enacted the Philippine Independence Act, Public Law 73–127, which provided a 10-year time frame for the independence of the Philippines. Between 1934 and final independence in 1946, the United States retained certain powers over the Philippines including the right to call military forces organized by the newly-formed Commonwealth government into the service of the United States Armed Forces.

The Commonwealth Army of the Philippines was called to serve with the United States Armed Forces in the Far East during World War II under President Roosevelt's July 26, 1941 military order. The Filipinos who served were entitled to full veterans' benefits by reason of their active service with our armed forces. Hundreds were wounded in battle and many hundreds more died in battle. Shortly after Japan's surrender, the Congress enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending Filipino troops to occupy enemy lands, and to oversee military installations at various overseas locations. These troops were authorized to receive pay and allowances for services performed throughout the Western Pacific. Although hostilities had ceased, wartime service of these troops continued as a matter of law until the end of 1946.

Despite all of their sacrifices, on February 18, 1946, the Congress passed the Rescission Act of 1946, now codified as Section 107 of Title 38 of the United States Code. The 1946 Act deemed that the service performed by these Filipino veterans would not be recognized as ''active service'' for the purpose of any U.S. law conferring ''rights, privileges, or benefits.'' Accordingly, Section 107 denied Filipino veterans access to health care, particularly for non-service-connected disabilities, and pension benefits. Section 107 also limited service-connected disability and death compensation for Filipino veterans to 50 percent of what their American counterparts receive.

On May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriations Rescission Act, which duplicated the language that had eliminated Filipino veterans' benefits under the First Rescission Act. Thus, Filipino veterans who fought in the service of the United States during World War II have been precluded from receiving most of the veterans' benefits that had been available to them before 1946, and that are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

The Filipino Veterans Equity Act, which I introduce today, would restore the benefits due to these veterans by granting full recognition of service for the sacrifices they made during World War II. These benefits include veterans health care, service-connected disability compensation, non-service connected disability compensation, dependent indemnity compensation, death pension, and full burial benefits.

Throughout the years, I have sponsored several measures to rectify the lack of appreciation America has

shown to these gallant men and women who stood in harm's way with our American soldiers and fought the common enemy during World War II. It is time that we as a Nation recognize our long-standing history and friendship with the Philippines. Of the 120,000 that served in the Commonwealth Army during World War II, there are approximately 60,000 Filipino veterans currently residing in the United States and the Philippines. According to the Department of Veterans Affairs, the Filipino veteran population is expected to decrease to approximately 20,000 or roughly one-third of the current population by 2010.

Heroes should never be forgotten or ignored; let us not turn our backs on those who sacrificed so much. Let us instead work to replay all of these brave men for their sacrifices by providing them the veterans, benefits they deserve.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 57

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 ''Filipino Veterans Equity Act of 2007''.

SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''not'' after ''Army of the United States, shall''; and

(B) by striking '', except benefits under—'' and all that follows in that subsection and inserting a period;

(2) in subsection (b)—

(A) by striking ''not'' after ''Armed Forces Voluntary Recruitment Act of 1945 shall''; and

(B) by striking ''except—'' and all that follows in that subsection and inserting a period; and

(3) by striking subsections (c) and (d).

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

''107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.''.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on January 1, 2007.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.

By Mr. REID (for Mr. INOUYE):

S. 58. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation to repeal the current 50 percent tax deduction for business meals and entertainment expenses, and to restore the tax deduction to 80 percent gradually over a five-year period. Restoration of this deduction is essential to the livelihood of small and independent businesses as well as food service, travel, tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of the 50 percent tax deduction.

Small businesses rely heavily on the business meal to conduct business, even more so than larger corporations. In releasing its study in May 2004, entitled he Impact of Tax Expenditure Policies on Incorporated Small Business, the Small Business Administration, SBA, Office of Advocacy, found that small incorporated businesses benefit more than their larger counterparts from the meal and entertainment tax deduction. According to the study, small firms that take advantage of the business-meal deduction reduce their effective tax rate by 0.75 percent on average, while larger firms only receive a 0.11 percent reduction in the effective tax rate. More importantly, the study strongly suggests that full reinstatement of the business meal and entertainment deduction should be a major policy priority for small businesses.

Small companies often use restaurants as onference space to conduct meetings or close deals. Meals are their best and sometimes only marketing tool. Certainly, an increase in the meal and entertainment deduction would have a significant impact on a small business bottom line. In addition, the effects on the overall economy would be significant.

Accompanying my statement is the National Restaurant Association (NRA), State-by-State chart reflecting the estimated economic impact of increasing the business meal deductibility from 50 to 80 percent. The NRA estimates that an increase to 80 percent would increase business meal sales by $8 billion and create a $26 billion increase to the overall economy.

I urge my colleagues to join me in cosponsoring this important legislation. I ask unanimous consent that the NRA State by State chart and the text of my bill be printed in the RECORD.

There being no objection, the text of the material was ordered to be printed in the RECORD, as follows:

ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50% TO 80%

State	Increase in Business Meal Spending 50% to 80% Deductibility ($ in millions)	Total Economic Impact in the State ($ in millions)
Alabama	99	203
Alaska	21	35
Arizona	150	297
Arkansas	57	114
California	1,022	2,265
Colorado	152	327
Connecticut	95	177
Delaware	25	44
District of Columbia	41	54
Florida	485	991
Georgia	252	565
Hawaii	56	108
Idaho	29	57
Illinois	335	785
Indiana	156	320
Iowa	59	126
Kansas	63	129
Kentucky	100	200
Louisiana	95	185
Maine	33	63
Maryland	153	319
Massachusetts	221	440
Michigan	242	471
Minnesota	139	314
Mississippi	54	103
Missouri	153	348
Montana	22	40
Nebraska	40	83
Nevada	76	134

ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50% TO 80%—Continued

State	Increase in Business Meal Spending 50% to 80% Deductibility ($ in millions)	Total Economic Impact in the State ($ in millions)
New Hampshire	39	72
New Jersey	225	467
New Mexico	49	92
New York	508	993
North Carolina	224	469
North Dakota	13	24
Ohio	303	663
Oklahoma	83	177
Oregon	100	206
Pennsylvania	287	638
Rhode Island	34	62
South Carolina	110	220
South Dakota	18	36
Tennessee	153	337
Texas	604	1,411
Utah	54	118
Vermont	15	28
Virginia	203	428
Washington	166	337
West Virginia	36	62
Wisconsin	123	266
Wyoming	13	21

Source: National Restaurant Association estimates, 2006.

S. 58

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

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking ''50 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and inserting the following:

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined under the following table:

''For taxable years beginning in calendar year—	**The applicable percentage is—**
2007	75
2008 or thereafter	80.''.

(c) CONFORMING AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking ''ONLY 50 PERCENT'' and inserting ''PORTION''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. REID (for Mr. INOUYE):

S. 59. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the ''Medicaid Advanced Practice Nurse and Physician Assistants Access Act of 2007.'' This legislation would change Federal law to expand fee-for-service Medicaid to include direct payment for services provided by all nurse practitioners, clinical nurse specialists, and physician assistants. It would ensure all nurse practitioners, certified nurse midwives, and physician assistants are recognized as primary care case managers, and require Medicaid panels to include advanced practice nurses on their managed care panels.

Advanced practice nurses are registered nurses who have attained additional expertise in the clinical management of health conditions. Typically, an advanced practice nurse holds a master's degree with didactic and clinical preparation beyond that of the registered nurse. They are employed in clinics, hospitals, and private practices. While there are many titles given to these advanced practice nurses, such as pediatric nurse practitioners, family nurse practitioners, certified nurse midwives, certified registered nurse anesthetists, and clinical nurse specialists, our current Medicaid law has not kept up with the multiple specialties and titles of these advanced practitioners, nor has it recognized the critical role physician assistants play in the delivery of primary care.

I have been a long-time advocate of advanced practice nurses and their ability to extend health care services to our most rural and underserved communities. They have improved access to health care in Hawaii and throughout the United States by their willingness to practice in what some providers might see as undesirable locations—the extremely rural, frontier, or urban areas. This legislation ensures they are recognized and reimbursed for providing the necessary health care services patients need, and it gives those patients the choice of selecting advanced practice nurses and physician assistants as their primary care providers.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 59

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 ''Medicaid Advanced Practice Nurses and Physician Assistants Access Act of 2007''.

SEC. 2. IMPROVED ACCESS TO SERVICES OF ADVANCED PRACTICE NURSES AND PHYSICIAN ASSISTANTS UNDER STATE MEDICAID PROGRAMS.

(a) PRIMARY CARE CASE MANAGEMENT.—Section 1905(t)(2) of the Social Security Act (42 U.S.C. 1396d(t)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) A nurse practitioner (as defined in section 1861(aa)(5)(A)).

''(C) A certified nurse-midwife (as defined in section 1861(gg)).

''(D) A physician assistant (as defined in section 1861(aa)(5)(A)).''.

(b) FEE-FOR-SERVICE PROGRAM.—Section 1905(a)(21) of such Act (42 U.S.C. 1396d(a)(21)) is amended—

(1) by inserting ''(A)'' after ''(21)'';

(2) by striking ''services furnished by a certified pediatric nurse practitioner or certified family nurse practitioner (as defined by the Secretary) which the certified pediatric nurse practitioner or certified family nurse practitioner'' and inserting ''services furnished by a nurse practitioner (as defined in section 1861(aa)(5)(A)) or by a clinical nurse specialist (as defined in section 1861(aa)(5)(B)) which the nurse practitioner or clinical nurse specialist'';

(3) by striking ''the certified pediatric nurse practitioner or certified family nurse practitioner'' and inserting ''the nurse practitioner or clinical nurse specialist''; and

(4) by inserting before the semicolon at the end the following: ''and (B) services furnished by a physician assistant (as defined in section 1861(aa)(5)) with the supervision of a physician which the physician assistant is legally authorized to perform under State law''.

(c) INCLUDING IN MIX OF SERVICE PROVIDERS UNDER MEDICAID MANAGED CARE ORGANIZATIONS.—Section 1932(b)(5)(B) of such Act (42 U.S.C. 1396u–2(b)(5)(B)) is amended by inserting '', with such mix including nurse practitioners, clinical nurse specialists, physician assistants, certified nurse midwives, and certified registered nurse anesthetists (as defined in section 1861(bb)(2))'' after ''services''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished in calendar quarters beginning on or after 90 days after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

By Mr. REID (for Mr. INOUYE):

S. 60. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today, along with my colleagues; Senators AKAKA, KENNEDY, CONRAD AND DORGAN, I introduce ''The Wakefield Act,'' also known as the ''Emergency Medical Services for Children Act of 2007.'' Since Senator HATCH and I worked toward authorization of EMSC in 1984, this program has become the impetus for improving children's emergency services Nationwide. From specialized training for emergency care providers to ensuring ambulances and emergency departments have state-of-the-art pediatric sized equipment, EMSC has served as the vehicle for improving survival of our smallest and most vulnerable citizens when accidents or medical emergencies threatened their lives.

It remains no secret that children present unique anatomic, physiologic, emotional and developmental challenges to our primarily adult-oriented emergency medical system. As has been said many times before, children are not little adults. Evaluation and treatment must take into account their special needs, or we risk letting them fall through the gap between adult and pediatric care. The EMSC has bridged that gap while fostering collaborative relationships among emergency medical technicians, paramedics, nurses, emergency physicians, surgeons, and pediatricians.

The Institute of Medicine's recently released study on Emergency Care for Children, indicated that our Nation is not as well prepared as once we thought. Only 6 percent of all emergency departments have the essential pediatric supplies and equipment necessary to manage pediatric emergencies. Many of the providers of emergency care have received fragmented and little training in the skills necessary to resuscitate this specialized population. Even our disaster preparedness plans have not fully addressed the unique needs posed by children injured in such events.

EMSC remains the only federal program dedicated to examining the best ways to deliver various forms of care to children in emergency settings. Re-authorization of EMSC will ensure that children's needs will be given the due attention they deserve and that coordination and expansion of services for victims of life-threatening illnesses and injuries will be available throughout the United States.

I look forward to re-authorization of this important legislation and the continued advances in our emergency healthcare delivery system.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 60

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 ''Wakefield Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) There are 31,000,000 child and adolescent visits to the nation's emergency departments every year, with children under the age of 3 years accounting for most of these visits.

(2) Ninety percent of children requiring emergency care are seen in general hospitals, not in free-standing children's hospitals, with one-quarter to one-third of the patients being children in the typical general hospital emergency department.

(3) Severe asthma and respiratory distress are the most common emergencies for pediatric patients, representing nearly one-third of all hospitalizations among children under the age of 15 years, while seizures, shock, and airway obstruction are other common pediatric emergencies, followed by cardiac arrest and severe trauma.

(4) Up to 20 percent of children needing emergency care have underlying medical conditions such as asthma, diabetes, sickle-cell disease, low birthweight, and bronchopulmonary dysplasia.

(5) Significant gaps remain in emergency medical care delivered to children, with 43 percent of hospitals lacking cervical collars (used to stabilize spinal injuries) for infants, less than half (47 percent) of hospitals with no pediatric intensive care unit having a written transfer agreement with a hospital that does have such a unit, one-third of States lacking a physician available on-call 24 hours a day to provide medical direction to emergency medical technicians or other non-physician emergency care providers, and even those States with such availability lacking full State coverage.

(6) Providers must be educated and trained to manage children's unique physical and psychological needs in emergency situations, and emergency systems must be equipped with the resources needed to care for this especially vulnerable population.

(7) The Emergency Medical Services for Children (EMSC) Program under section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is the only Federal program that focuses specifically on improving the pediatric components of emergency medical care.

(8) The EMSC Program promotes the nationwide exchange of pediatric emergency medical care knowledge and collaboration by those with an interest in such care and is depended upon by Federal agencies and national organizations to ensure that this exchange of knowledge and collaboration takes place.

(9) The EMSC Program also supports a multi-institutional network for research in pediatric emergency medicine, thus allowing providers to rely on evidence rather than anecdotal experience when treating ill or injured children.

(10) States are better equipped to handle occurrences of critical or traumatic injury due to advances fostered by the EMSC program, with—

(A) forty-eight States identifying and requiring all EMSC-recommended pediatric equipment on Advanced Life Support ambulances;

(B) forty-four States employing pediatric protocols for medical direction;

(C) forty-one States utilizing pediatric guidelines for acute care facility identification, ensuring that children get to the right hospital in a timely manner; and

(D) thirty-six of the forty-two States having statewide computerized data collection systems now producing reports on pediatric emergency medical services using statewide data.

(11) Systems of care must be continually maintained, updated, and improved to ensure that research is translated into practice, best practices are adopted, training is current, and standards and protocols are appropriate.

(12) Now celebrating its twentieth anniversary, the EMSC Program has proven effective over two decades in driving key improvements in emergency medical services to children, and should continue its mission to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical and emergency surgical care children receive.

(b) PURPOSE.—It is the purpose of this Act to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive.

SEC. 3. REAUTHORIZATION OF EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is amended—

(1) in subsection (a), by striking ''3-year period (with an optional 4th year'' and inserting ''4-year period (with an optional 5th year'';

(2) in subsection (d)—

(A) by striking ''and such sums'' and inserting ''such sums''; and

(B) by inserting before the period the following: ''$23,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2011'';

(3) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

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

''(b)(1) The purpose of the program established under this section is to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive, through the promotion of projects focused on the expansion and improvement of such services, including those in rural areas and those for children with special healthcare needs. In carrying out this purpose, the Secretary shall support emergency medical services for children by supporting projects that—

''(A) develop and present scientific evidence;

''(B) promote existing and innovative technologies appropriate for the care of children: or

''(C) provide information on health outcomes and effectiveness and cost-effectiveness.

''(2) The program established under this section shall—

''(A) strive to enhance the pediatric capability of emergency medical service systems originally designed primarily for adults; and

''(B) in order to avoid duplication and ensure that Federal resources are used efficiently and effectively, be coordinated with all research, evaluations, and awards related to emergency medical services for children

undertaken and supported by the Federal Government.''.

By Mr. REID (for Mr. INOUYE):

S. 61. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUYE. Mr. President, today I introduce the Clinical Social Workers' Recognition Act to correct a continuing problem in the Federal Employees Compensation Act. This bill will also provide clinical social workers the recognition they deserve as independent providers of quality mental health care services.

Clinical social workers are authorized to independently diagnose and treat mental illnesses through public and private health insurance plans across the Nation. However, Title V of the United States Code, does not permit the use of mental health evaluations conducted by clinical social workers for use as evidence in determining workers' compensation claims brought by federal employees. The bill I am introducing corrects this problem.

It is a sad irony that federal employees may select a clinical social worker through their health plans to provide mental health services, but may not go to this same professional for workers' compensation evaluations. The failure to recognize the validity of evaluations provided by clinical social workers unnecessarily limits federal employees' selection of a provider to conduct the workers' compensation mental health evaluations. Lack of this recognition may well impose an undue burden on Federal employees where clinical social workers are the only available providers of mental health care.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 61

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 ''Clinical Social Workers' Recognition Act of 2007''.

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS FOR FEDERAL WORKER COMPENSATION CLAIMS.

Section 8101 of title 5, United States Code, is amended—

(1) in paragraph (2), by striking ''and osteopathic practitioners'' and inserting ''osteopathic practitioners, and clinical social workers''; and

(2) in paragraph (3), by striking ''osteopathic practitioners'' and inserting ''osteopathic practitioners, clinical social workers,''.

By Mr. REID (for Mr. INOUYE):

S. 62. A bill to treat certain hospital support organizations as qualified organizaitons for purposes of determining acquisition indebtedness; to the Committee on Finance.

Mr. INOUYE. Mr. President, the legislation I have introduced will extend to qualified teaching hospital support organizations the existing debt-financed safe harbor rule. Congress enacted that rule to support the public service activities of tax-exempt schools, universities, pension funds, and consortia of such institutions. Our teaching hospitals require similar support.

A New York Times article on June 21, 2002, described the financial problems which nonprofit hospitals are facing to modernize their facilities and meet the growing demand for charitable medical care. The problems have grown more urgent since that article appeared.

On November 22, 2006, the Wall Street Journal noted the rising numbers of uninsured patients who fill hospital emergency rooms without paying their bills. In 2005, 46.6 million Americans had no health insurance. Compounding the growing demand for charitable care, new safety and infection-prevention standards require hospitals to undertake massive improvements.

As a result, the article stated, for-profit hospitals are moving from older areas to affluent locations where residents can afford to pay for treatment. These private hospitals, the reporter pointed out, typically have no mandate for community service. In contrast, nonprofit hospitals must fulfill a community service requirement. They must stretch their resources to provide increased charitable care, update their facilities, and maintain skilled staffing. Both the Wall Street Journal and the New York Times noted the resulting closures of nonprofit hospitals due to this financial strain.

The problem is particularly severe for teaching hospitals. As the Times article said, nonprofit hospitals provide nearly all the postgraduate medical education in the United States. Postgraduate medical instruction is by nature not profitable. Instruction in the treatment of mental disorders and trauma is especially costly.

Despite their financial problem the nation's nonprofit hospitals strive to deliver a very high level of service. A study in the December 2006 issue of Archives of Internal Medicine had surveyed hospitals' qualify of care in four areas of treatment. It found that nonprofit hospitals consistently outperformed for-profit hospitals. It also found that teaching hospitals had a higher level of performance in treatment and diagnosis. It said that investment in technology and staffing leads to better care. And it recommended that alternative payments and sources of payments be considered to finance these improvements.

The success and financial constraints of nonprofit teaching hospitals is evident in the work of the Queen's Health Systems in my State. This 146-year-old organization maintains the largest, private, nonprofit hospital in Hawaii. It serves as the primary clinical teaching facility for the University of Hawaii's medical residency programs in medicine, general surgery, orthopedic surgery, obstetrics-gynecology, pathology, and psychiatry. It conducts educational and training programs for nurses and allied health personnel. It operates the only trauma unit as well as the chief behavioral health program in the State. It maintains clinics throughout Hawaii, health programs for Native Hawaiians, and a small hospital on a rural, economically depressed island. Its medical reference library is the largest in the State. Not the least, it annually provides millions of dollars in uncompensated health services. To help pay for these community benefits, the Queen's Health Systems, as other nonprofit teaching hospitals, relies significantly on income from its endowment.

In the past, the Congress has allowed tax-exempt schools, colleges, universities, and pension funds to invest their endowment in real estate so as to better meet their financial needs. Under the tax code these organizations can incur debt for real estate investments without triggering the tax on unrelated business activities.

If the Queen's Health Systems were part of a university, it could borrow without incurring an unrelated business income tax. Not being part of a university, however, a teaching hospital and its support organization run into the tax code's debt financing prohibition. Nonprofit teaching hospitals have the same if not more pressing needs as universities, school, and pension trusts. The same safe harbor rule should be extended to teaching hospitals.

My bill would allow the support organizations for qualified teaching hospitals to engage in limited borrowing to enhance their endowment income. The proposal for teaching hospitals is actually more restricted than current law for schools, universities, and pension trusts. Under safeguards developed by the Joint Committee on Taxation staff, a support organization for a teaching hospital can not buy and develop land on a commercial basis. The proposal is tied directly to the organization endowment. The staff's revenue estimate show that the provision with its general application will help a number a teaching hospitals.

The U.S. Senate several times has acted favorably on this proposal. The Senate adopted a similar provision in H.R. 1836 the Economic Growth and Tax Relief Act of 2001. The House conferees on that bill, however, objected that the provision was unrelated to the bill's focus on individual tax relief and the conference deleted the provision

from the final legislation. Subsequently, the Finance Committee included the provision in H.R. 7 the CARE Act of 2002 and in S. 476 the CARE Act of 2003 which the Senate passed. In the last Congress S. 6 the Marriage, Opportunity, Relief, and Empowerment Act of 2005, which the Senate leadership introduced, also included the proposal.

As the Senate Finance Committee's recent hearings show, substantial health needs would go unmet if not for our charitable hospitals. It is time for the Congress to assist the nation's teaching hospitals in their charitable, educational service.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 62

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

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualified organization) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; or'', and by adding at the end the following new clause:

''(iv) a qualified hospital support organization (as defined in subparagraph (I)).''.

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

''(i) more than half of its assets (by value) at any time since its organization—

''(I) were acquired, directly or indirectly, by testamentary gift or devise, and

''(II) consisted of real property, and

''(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 25 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term 'eligible indebtedness' means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. REID (for Mr. INOUYE):

S. 63. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce legislation to authorize the autonomous functioning of clinical psychologists and clinical social workers within the Medicare comprehensive outpatient rehabilitation facility program.

In my judgment, it is unfortunate that Medicare requires clinical supervision of the services provided by certain health professionals and does not allow them to function to the full extent of their state practice licenses. Those who need the services of outpatient rehabilitation facilities should have access to a wide range of social and behavioral science expertise. Clinical psychologists and clinical social workers are recognized as independent providers of mental health care services under the Federal Employee Health Benefits Program, the TRICARE Military Health Program of the Uniformed Services, the Medicare (Part B) Program, and numerous private insurance plans. This legislation will ensure that these qualified professionals achieve the same recognition under the Medicare comprehensive outpatient rehabilitation facility program.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 63

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 ''Autonomy for Psychologists and Social Workers Act of 2007''.

SEC. 2. REMOVAL OF RESTRICTION THAT A CLINICAL PSYCHOLOGIST OR CLINICAL SOCIAL WORKER PROVIDE SERVICES IN A COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY TO A PATIENT ONLY UNDER THE CARE OF A PHYSICIAN.

(a) IN GENERAL.—Section 1861(cc)(2)(E) of the Social Security Act (42 U.S.C. 1395x(cc)(2)(E)) is amended by striking ''physician'' and inserting ''physician, except that a patient receiving qualified psychologist services (as defined in subsection (ii)) may be under the care of a clinical psychologist with respect to such services to the extent permitted under State law and except that a patient receiving clinical social worker services (as defined in subsection (hh)(2)) may be under the care of a clinical social worker with respect to such services to the extent permitted under State law''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services provided on or after January 1, 2008.

By Mr. REID (for Mr. INOUYE):

S. 64. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under certain programs to assist individuals in pursuing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, on behalf of our Nation's clinical social workers, I am introducing legislation to amend the Public Health Service Act. This legislation would: 1. establish a new social work training program, 2. ensure that social work students are eligible for support under the Health Careers Opportunity Program, 3. provide social work schools with eligibility for support under the Minority Centers of Excellence programs, 4. permit schools offering degrees in social work to obtain grants for training projects in geriatrics, and 5. ensure that social work is recognized as a profession under the Public Health Maintenance Organization Act.

Despite the impressive range of services social workers provide to people of this nation, few federal programs exist to provide opportunities for social work training in health and mental health care.

Social workers have long provided quality mental health services to our citizens and continue to be at the forefront of establishing innovative programs to serve our disadvantaged populations. I believe it is important to ensure that the special expertise social workers possess continues to be available to the citizens of this nation. This bill, by providing financial assistance to schools of social work and social work students, acknowledges the long history and critical importance of the services provided by social work professionals. I believe it is time to provide them with the recognition they deserve.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 64

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 ''Strengthen Social Work Training Act of 2007''.

SEC. 2. SOCIAL WORK STUDENTS.

(a) HEALTH PROFESSIONS SCHOOLS.—Section 736(g)(1)(A) of the Public Health Service Act (42 U.S.C. 293(g)(1)(A)) is amended by striking ''graduate program in behavioral or mental health'' and inserting ''graduate program in behavioral or mental health, including a school offering graduate programs in clinical social work, or programs in social work''.

(b) SCHOLARSHIPS.—Section 737(d)(1)(A) of the Public Health Service Act (42 U.S.C. 293a(d)(1)(A)) is amended by striking ''mental health practice'' and inserting ''mental health practice (including graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work)''.

(c) FACULTY POSITIONS.—Section 738(a)(3) of the Public Health Service Act (42 U.S.C. 293b(a)(3)) is amended by striking ''offering graduate programs in behavioral and mental health'' and inserting ''offering graduate programs in behavioral and mental health, including graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work''.

SEC. 3. GERIATRICS TRAINING PROJECTS.

Section 753(b)(1) of the Public Health Service Act (42 U.S.C. 294c(b)(1)) is amended by inserting ''schools offering degrees in social work,'' after ''teaching hospitals,''.

SEC. 4. SOCIAL WORK TRAINING PROGRAM.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) by redesignating section 770 as section 770A;

(2) by inserting after section 769, the following:

''SEC. 770. SOCIAL WORK TRAINING PROGRAM.

''(a) TRAINING GENERALLY.—The Secretary may make grants to, or enter into contracts with, any public or nonprofit private hospital, any school offering programs in social work, or to or with a public or private nonprofit entity that the Secretary has determined is capable of carrying out such grant or contract—

''(1) to plan, develop, and operate, or participate in, an approved social work training program (including an approved residency or internship program) for students, interns, residents, or practicing physicians;

''(2) to provide financial assistance (in the form of traineeships and fellowships) to students, interns, residents, practicing physicians, or other individuals, who—

''(A) are in need of such assistance;

''(B) are participants in any such program; and

''(C) plan to specialize or work in the practice of social work;

''(3) to plan, develop, and operate a program for the training of individuals who plan to teach in social work training programs; and

''(4) to provide financial assistance (in the form of traineeships and fellowships) to individuals who are participants in any such program and who plan to teach in a social work training program.

''(b) ACADEMIC ADMINISTRATIVE UNITS.—

''(1) IN GENERAL.—The Secretary may make grants to or enter into contracts with schools offering programs in social work to meet the costs of projects to establish, maintain, or improve academic administrative units (which may be departments, divisions, or other units) to provide clinical instruction in social work.

''(2) PREFERENCE IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified applicant for such an award that agrees to expend the award for the purpose of—

''(A) establishing an academic administrative unit for programs in social work; or

''(B) substantially expanding the programs of such a unit.

''(c) DURATION OF AWARD.—The period during which payments are made to an entity from an award of a grant or contract under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary and subject to the availability of appropriations for the fiscal year involved to make the payments.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 2008 through 2010.

''(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 20 percent for awards of grants and contracts under subsection (b).''; and

(3) in section 770A (as redesignated by paragraph (1)) by inserting ''other than section 770,'' after ''carrying out this subpart,''.

SEC. 5. CLINICAL SOCIAL WORKER SERVICES.

Section 1302 of the Public Health Service Act (42 U.S.C. 300e–1) is amended—

(1) in paragraphs (1) and (2), by inserting ''clinical social worker,'' after ''psychologist,'' each place the term appears;

(2) in paragraph (4)(A), by striking ''and psychologists'' and inserting ''psychologists, and clinical social workers''; and

(3) in paragraph (5), by inserting ''clinical social work,'' after ''psychology,''.

By Mr. INHOFE (for himself, Mr. STEVENS, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. 65. A bill to modify the age-60 standard for certain pilots and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, I rise today, as an experienced pilot over age 60, along with my colleagues, Senator STEVENS, Senator LIEBERMAN and Senator FEINGOLD, to once again introduce a bill that will help end age discrimination among commercial airline pilots. Our bill will abolish the Federal Aviation Administration's (FAA) arcane Age 60 Rule a regulation that has unjustly forced the retirement of airline pilots the day they turn 60 for more than 45 years.

Our bipartisan bill called the ''Freedom to Fly Act'' would replace the dated FAA rule with a new international standard adopted this past November by the International Civil Aviation Organization (ICAO) which allows pilots to fly to 65 as long as the copilot is under 60.

Since the adoption of the ICAO standard in November of this year, foreign pilots have been flying and working in U.S. Airspace under this new standard up to 65 years of age a privilege the FAA has not been willing to grant to American pilots flying the same aircraft in the same airspace.

This bill may seem familiar; I have introduced similar legislation in the past two Congresses and I am dedicated to ensuring its passage this year. And it has never been more urgent.

We cannot continue to allow our FAA to force the retirement of America's most experienced commercial pilots at the ripe young age of 60 while they say to their counterparts flying for foreign flags ''Welcome to our airspace.''

Many of these great American pilots are veterans who have served our country and the flying public for decades. Many of them have suffered wage concessions and lost their pensions as the airline industry has faced hard times and bankruptcies. But these American pilots are not asking for a handout.

They are just saying to the FAA; ''Give me the same right you granted our foreign counterparts with the stroke of a pen this November. Let us continue to fly, continue to work, continue to contribute to the tax rolls for an additional 5 years.'' We join them and echo their sentiments to FAA Administrator Blakey. As far as we are concerned, that is the least we can do for America's pilots, who are considered the best and the safest pilots in the world.

Most nations have abolished mandatory age 60 retirement rules. Many countries, including Canada, Australia, and New Zealand have no upper age limit at all and consider an age-based retirement rule discriminatory. Sadly though, the United States was one of only four member countries of ICAO, along with Pakistan, Colombia, and France, to dissent to the ICAO decision to increase the retirement age to 65 last year.

The Age 60 Rule has no basis in science or safety and never has. The Aerospace Medical Association says that ''There is insufficient medical evidence to support restriction of pilot certification based upon age alone.'' Similarly, the American Association of Retired Persons, Equal Employment Opportunity Commission, the Seniors Coalition, and the National Institute of Aging of NIH all agree that the Age 60 Rule is simply age discrimination and should end. My colleagues and I agree.

When the rule was implemented in 1960 life expectancies were much lower at just over 69 and a half years. Today they are much higher at more than 77 years. The FAA's own data shows that pilots over age 60 are as safe as, and in some cases safer than, their younger counterparts. In the process of adopting the new international standard, ICAO studied more than 3,000 over-60 pilots from 64 nations, totaling at least 15,000 pilot-years of flying experience and found the risk of medical incapacitation ''a risk so low that it can be safely disregarded.''

Furthermore, a recent economic study shows that allowing pilots to fly to age 65 would save almost $1 billion per year in added Social Security,

Medicare, and tax payments and delayed Pension Benefit Guarantee Corporation (PBGC) payments.

I am encouraged by the progress that has been made. In the 109th Congress, the Senate Commerce Committee reported the modified bill with the ICAO standard favorably and the Senate Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Committee included a version of S. 65 in its bill. The FAA recently convened an Aviation Rulemaking Committee to study the issue of forced retirement. We have yet to see that report but it is our understanding the report was persuasive enough that the Administrator is considering a change in the rule now.

We are encouraged by that, but we also know that legislation will be needed to direct the FAA to pursue these changes in a timely manner and in a way that will protect companies and their unions from new lawsuits that might arise as a result of the changes. Our bill accomplishes that. Whether the FAA decides to change the rule on its own or not, Congress needs to do the right thing and pass S. 65 to fully ensure that our own American pilots have the same rights and privileges to work at least until age 65 that were accorded to foreign pilots over the age of 60 this fall.

I urge the rest of my colleagues to support the Freedom to Fly Act and help us keep America's most experienced pilots in the air.

By Mr. REID (for Mr. INOUYE):

S. 66. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I am reintroducing legislation today that would direct the Secretary of the Army to determine whether certain nationals of the Philippine Islands performed military service on behalf of the United States during World War II.

Our Filipino veterans fought side by side with Americans and sacrificed their lives on behalf of the United States. This legislation would confirm the validity of their claims and further allow qualified individuals the opportunity to apply for military and veterans benefits that, I believe, they are entitled to. As this population becomes older, it is important for our Nation to extend its firm commitment to the Filipino veterans and their families who participated in making us the great Nation that we are today.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 66

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

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) IN GENERAL.—Upon the written application of any person who is a national of the Philippine Islands, the Secretary of the Army shall determine whether such person performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II which qualifies such person to receive any military, veterans', or other benefits under the laws of the United States.

(b) INFORMATION TO BE CONSIDERED.—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to service referred to in subsection (a)) that is available to the Secretary, including information and evidence submitted by the applicant, if any.

SEC. 2. CERTIFICATE OF SERVICE.

(a) ISSUANCE OF CERTIFICATE OF SERVICE.—The Secretary of the Army shall issue a certificate of service to each person determined by the Secretary to have performed military service described in section 1(a).

(b) EFFECT OF CERTIFICATE OF SERVICE.—A certificate of service issued to any person under subsection (a) shall, for the purpose of any law of the United States, conclusively establish the period, nature, and character of the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 1(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary of the Army may not consider for the purpose of this Act any application received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMY.

No benefits shall accrue to any person for any period before the date of the enactment of this Act as a result of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary of the Army shall prescribe regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE SECRETARY OF VETERANS AFFAIRS.

Any entitlement of a person to receive veterans' benefits by reason of this Act shall be administered by the Department of Veterans Affairs pursuant to regulations prescribed by the Secretary of Veterans Affairs.

SEC. 8. DEFINITION.

In this Act, the term ''World War II'' means the period beginning on December 7, 1941, and ending on December 31, 1946.

By Mr. REID (for Mr. INOUYE):

S. 67. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Services are permitted to travel on a space-available basis on nonscheduled military flights within the continental United States, and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for veterans with 100 percent service-connected disabilities.

We owe these heroic men and women who have given so much to our country a debt of gratitude. Of course, we can never repay them for the sacrifices they have made on behalf of our Nation, but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying ''thank you'' by supporting this legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 67

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

SECTION 1. TRAVEL ON MILITARY AIRCRAFT OF CERTAIN DISABLED FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1060b the following new section:

''§ 1060c. Travel on military aircraft: certain disabled former members of the armed forces

''The Secretary of Defense shall permit any former member of the armed forces who is entitled to compensation under the laws administered by the Secretary of Veterans Affairs for a service-connected disability rated as total to travel, in the same manner and to the same extent as retired members of the armed forces, on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command. The Secretary of Defense shall permit such travel on a space-available basis.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1060b the following new item:

''1060c. Travel on military aircraft: certain disabled former members of the armed forces.''.

By Mr. KOHL (for himself and Ms. SNOWE):

S. 69. A bill to authorize appropriations for the Hollings Manufacturing Extension Partnership Program, and

for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise in support of the Kohl-Snowe legislation which would fund the Manufacturing Extension Partnership, MEP, for fiscal year 2008–fiscal year 2012. I am a longtime supporter of the MEP program and believe manufacturing is crucial to the U.S. economy. American manufacturers are a cornerstone of the American economy and embody the best in American values. A healthy manufacturing sector is key to better jobs, rising productivity and higher standards of living in the United States. Every individual and industry depends on manufactured goods. In addition, innovations and productivity gains in the manufacturing sector provide benefits far beyond the products themselves.

Small- and medium-sized manufacturers face unprecedented challenges in today's global economy which threaten the existence of manufacturing jobs in the United States. If it isn't China pirating our technologies and promising a low-wage workforce, it is soaring heath care and energy costs that cut into profits. Manufacturers today are seeking ways to level the playing field so they can compete globally.

One way to level the playing field—and increase the competitiveness of manufacturers—is through the MEP program. MEP streamlines operations, integrates new technologies, shortens production times and lowers costs, leading to improved efficiency by offering resources to manufacturers, including organized workshops and consulting projects. In Wisconsin, three of our largest corporations—John Deere, Harley-Davidson, and Oshkosh Truck—are working with Wisconsin MEP centers to develop domestic supply chains. I am proud to say that these companies found it more profitable to work with small- and medium-sized Wisconsin firms than to look overseas for cheap labor.

You would be hard pressed to find another program that has produced the results that MEP has. In Wisconsin alone in fiscal year 2006, WMEP reported 2,696 new or retained workers, sales of $163 million, cost savings of $33 million, and plant and equipment investments of $37 million.

Manufacturing is an integral part of a web of inter-industry relationships that create a stronger economy. Manufacturing sells goods to other sectors in the economy and, in turn, buys products and services from them. Manufacturing spurs demand for everything from raw materials to intermediate components to software to financial, legal, health, accounting, transportation, and other services in the course of doing business.

The future of manufacturing in the United States will be largely determined by how well small- and medium-sized companies cope with the changes in today's global economy. To be successful, businesses need state-of-the-art technologies to craft products more efficiently, a skilled workforce to meet the demands of modern manufacturers and a commitment from the government to provide the resources to allow companies to remain competitive.

At a time when economic recovery and global competitiveness are national priorities, I believe MEP continues to be a wise investment.

By Mr. REID (for Mr. INOUYE):

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, in our effort to accommodate many Americans by making Memorial Day the last Monday in May, we have lost sight of the significance of this day to our Nation. My bill would restore Memorial Day to May 30 and authorize our flag to fly at half mast on that day. In addition, this legislation would authorize the President to issue a proclamation designating Memorial Day and Veterans Day as days for prayer and ceremonies. This legislation would help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our nation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 70

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

SECTION 1. RESTORATION OF TRADITIONAL DAY OF OBSERVANCE OF MEMORIAL DAY.

(a) DESIGNATION OF LEGAL PUBLIC HOLIDAY.—Section 6103(a) of title 5, United States Code, is amended by striking ''Memorial Day, the last Monday in May.'' and inserting the following: ''Memorial Day, May 30.''.

(b) OBSERVANCES AND CEREMONIES.—Section 116 of title 36, United States Code, is amended—

(1) in subsection (a), by striking ''The last Monday in May'' and inserting ''May 30''; and

(2) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4) calling on the people of the United States to observe Memorial Day as a day of ceremonies for showing respect for American veterans of wars and other military conflicts; and''.

(c) DISPLAY OF FLAG.—Section 6(d) of title 4, United States Code, is amended by striking ''the last Monday in May;'' and inserting ''May 30;''.

By Mr. REID (for Mr. INOUYE):

S. 71. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing legislation to enable those former prisoners of war who have been separated honorably from their respective services and who have been rated as having a 30 percent service-connected disability to have the use of both the military commissary and post exchange privileges. While I realize it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel this gesture is both meaningful and important to those concerned because it serves as a reminder that our Nation has not forgotten their sacrifices.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 71

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

SECTION 1. USE OF COMMISSARY AND EXCHANGE STORES BY CERTAIN DISABLED FORMER PRISONERS OF WAR.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1064 the following new section:

''§ 1064a. Use of commissary and exchange stores by certain disabled former prisoners of war

''(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, former prisoners of war described in subsection (b) may use commissary and exchange stores.

''(b) COVERED INDIVIDUALS.—Subsection (a) applies to any former prisoner of war who—

''(1) separated from active duty in the armed forces under honorable conditions; and

''(2) has a service-connected disability rated by the Secretary of Veterans Affairs at 30 percent or more.

''(c) DEFINITIONS.—In this section:

''(1) The term 'former prisoner of war' has the meaning given that term in section 101(32) of title 38.

''(2) The term 'service-connected' has the meaning given that term in section 101(16) of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1064 the following new item:

''1064a. Use of commissary and exchange stores by certain disabled former prisoners of war.''.

By Mr. REID (for Mr. INOUYE):

S. 72. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend Title XVIII of the Social Security Act to correct discrepancies in the reimbursement of clinical social workers

covered through Medicare, Part B. The three proposed changes contained in this legislation clarify the current payment process for clinical social workers and establish a reimbursement methodology for the profession that is similar to other health care professionals reimbursed through the Medicare program.

First, this legislation sets payment for clinical social worker services according to a fee schedule established by the Secretary. Second, it explicitly states that services and supplies furnished by a clinical social worker are a covered Medicare expense, just as these services are covered for other mental health professionals in Medicare. Third, the bill allows clinical social workers to be reimbursed for services provided to a client who is hospitalized.

Clinical social workers are valued members of our health care provider network. They are legally regulated in every State of the Nation and are recognized as independent providers of mental health care throughout the health care system. It is time to correct the disparate reimbursement treatment of this profession under Medicare.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 72

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 ''Equity for Clinical Social Workers Act of 2007''.

SEC. 2. IMPROVED REIMBURSEMENT FOR CLINICAL SOCIAL WORKER SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1833(a)(1)(F)(ii) of the Social Security Act (42 U.S.C. 1395l(a)(1)(F)(ii)) is amended to read as follows: ''(ii) the amount determined by a fee schedule established by the Secretary,''.

(b) DEFINITION OF CLINICAL SOCIAL WORKER SERVICES EXPANDED.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking ''services performed by a clinical social worker (as defined in paragraph (1))'' and inserting ''such services and such services and supplies furnished as an incident to such services performed by a clinical social worker (as defined in paragraph (1))''.

(c) CLINICAL SOCIAL WORKER SERVICES NOT TO BE INCLUDED IN INPATIENT HOSPITAL SERVICES.—Section 1861(b)(4) of the Social Security Act (42 U.S.C. 1395x(b)(4)) is amended by striking ''and services'' and inserting ''clinical social worker services, and services''.

(d) TREATMENT OF SERVICES FURNISHED IN INPATIENT SETTING.—Section 1832(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended—

(1) by striking ''and services'' and inserting ''clinical social worker services, and services''; and

(2) by adding ''and'' at the end.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for clinical social worker services furnished on or after January 1, 2008.

By Mr. REID (for Mr. INOUYE):

S. 73. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing minimum nurse staffing ratios at certain Medicare providers, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Registered Nurse Safe Staffing Act. For over four decades I have been a committed supporter of nurses and the delivery of safe patient care. While enforceable regulations will help to ensure patient safety, the complexity and variability of today's hospitals require that staffing patterns be determined at the hospital and unit level, with the professional input of registered nurses. More than a decade of research demonstrates that nurse staff levels and the skill mix of nursing staff directly affect the clinical outcomes of hospitalized patients. Studies show that when there are more registered nurses, there are lower mortality rates, shorter lengths of stay, reduced costs, and fewer complications.

A study published in the Journal of The American Medical Association found that the risks of patient mortality rose by 7 percent for every additional patient added to the average nurse's workload. In the midst of a nursing shortage and increasing financial pressures, hospitals often find it difficult to maintain adequate staffing. While nursing research indicates that adequate registered nurse staffing is vital to the health and safety of patients, there is no standardized public reporting mechanism, nor enforcement of adequate staffing plans. The only regulations addressing nursing staff exists vaguely in Medicare Conditions of Participation which states: ''The nursing service must have an adequate number of licensed registered nurses, licensed practice (vocational) nurse, and other personnel to provide nursing care to all patients as needed''.

This bill will require Medicare Participating Hospitals to develop and maintain reliable and valid systems to determine sufficient registered nurse staffing. Given the demands that the healthcare industry faces today, it is our responsibility to ensure that patients have access to adequate nursing care. However, we must ensure that the decisions by which care is provided are made by the clinical experts, the registered nurses caring for these patients. Support of this bill supports our nation's nurses during a critical shortage, but more importantly, works to ensure the safety of their patients.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 73

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 ''Registered Nurse Safe Staffing Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are hospitals throughout the United States that have inadequate staffing of registered nurses to protect the well-being and health of the patients.

(2) Studies show that the health of patients in hospitals is directly proportionate to the number of registered nurses working in the hospital.

(3) There is a critical shortage of registered nurses in the United States.

(4) The effect of that shortage is revealed in unsafe staffing levels in hospitals.

(5) Patient safety is adversely affected by these unsafe staffing levels, creating a public health crisis.

(6) Registered nurses are being required to perform professional services under conditions that do not support quality health care or a healthful work environment for registered nurses.

(7) As a payer for inpatient and outpatient hospital services for individuals entitled to benefits under the Medicare program established under title XVIII of the Social Security Act, the Federal Government has a compelling interest in promoting the safety of such individuals by requiring any hospital participating in such program to establish minimum safe staffing levels for registered nurses.

SEC. 3. ESTABLISHMENT OF MINIMUM STAFFING RATIOS BY MEDICARE PARTICIPATING HOSPITALS.

(a) REQUIREMENT OF MEDICARE PROVIDER AGREEMENT.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (U), by striking ''and'' at the end;

(2) in subparagraph (V), by striking the period at the end and inserting '', and''; and

(3) by inserting after subparagraph (V) the following new subparagraph:

''(W) in the case of a hospital, to meet the requirements of section 1890.''.

(b) REQUIREMENTS.—Title XVIII of the Social Security Act is amended by inserting after section 1889 the following new section:

''STAFFING REQUIREMENTS FOR MEDICARE PARTICIPATING HOSPITALS

''SEC. 1890. (a) ESTABLISHMENT OF STAFFING SYSTEM.—

''(1) IN GENERAL.—Each participating hospital shall adopt and implement a staffing system that ensures a number of registered nurses on each shift and in each unit of the hospital to ensure appropriate staffing levels for patient care.

''(2) STAFFING SYSTEM REQUIREMENTS.—Subject to paragraph (3), a staffing system adopted and implemented under this section shall—

''(A) be based upon input from the direct care-giving registered nurse staff or their exclusive representatives, as well as the chief nurse executive;

''(B) be based upon the number of patients and the level and variability of intensity of care to be provided, with appropriate consideration given to admissions, discharges, and transfers during each shift;

''(C) account for contextual issues affecting staffing and the delivery of care, including architecture and geography of the environment and available technology;

''(D) reflect the level of preparation and experience of those providing care;

''(E) account for staffing level effectiveness or deficiencies in related health care classifications, including but not limited to, certified nurse assistants, licensed vocational nurses, licensed psychiatric technicians, nursing assistants, aides, and orderlies;

''(F) reflect staffing levels recommended by specialty nursing organizations;

''(G) establish upwardly adjustable registered nurse-to-patient ratios based upon registered nurses' assessment of patient acuity and existing conditions;

''(H) provide that a registered nurse shall not be assigned to work in a particular unit without first having established the ability to provide professional care in such unit; and

''(I) be based on methods that assure validity and reliability.

''(3) LIMITATION.—A staffing system adopted and implemented under paragraph (1) may not—

''(A) set registered-nurse levels below those required by any Federal or State law or regulation; or

''(B) utilize any minimum registered nurse-to-patient ratio established pursuant to paragraph (2)(G) as an upper limit on the staffing of the hospital to which such ratio applies.

''(b) REPORTING, AND RELEASE TO PUBLIC, OF CERTAIN STAFFING INFORMATION.—

''(1) REQUIREMENTS FOR HOSPITALS.—Each participating hospital shall—

''(A) post daily for each shift, in a clearly visible place, a document that specifies in a uniform manner (as prescribed by the Secretary) the current number of licensed and unlicensed nursing staff directly responsible for patient care in each unit of the hospital, identifying specifically the number of registered nurses;

''(B) upon request, make available to the public—

''(i) the nursing staff information described in subparagraph (A); and

''(ii) a detailed written description of the staffing system established by the hospital pursuant to subsection (a); and

''(C) submit to the Secretary in a uniform manner (as prescribed by the Secretary) the nursing staff information described in subparagraph (A) through electronic data submission not less frequently than quarterly.

''(2) SECRETARIAL RESPONSIBILITIES.—The Secretary shall—

''(A) make the information submitted pursuant to paragraph (1)(C) publicly available, including by publication of such information on the Internet site of the Department of Health and Human Services; and

''(B) provide for the auditing of such information for accuracy as a part of the process of determining whether an institution is a hospital for purposes of this title.

''(c) RECORDKEEPING; DATA COLLECTION; EVALUATION.—

''(1) RECORDKEEPING.—Each participating hospital shall maintain for a period of at least 3 years (or, if longer, until the conclusion of pending enforcement activities) such records as the Secretary deems necessary to determine whether the hospital has adopted and implemented a staffing system pursuant to subsection (a).

''(2) DATA COLLECTION ON CERTAIN OUTCOMES.—The Secretary shall require the collection, maintenance, and submission of data by each participating hospital sufficient to establish the link between the staffing system established pursuant to subsection (a) and—

''(A) patient acuity from maintenance of acuity data through entries on patients' charts;

''(B) patient outcomes that are nursing sensitive, such as patient falls, adverse drug events, injuries to patients, skin breakdown, pneumonia, infection rates, upper gastrointestinal bleeding, shock, cardiac arrest, length of stay, and patient readmissions;

''(C) operational outcomes, such as work-related injury or illness, vacancy and turnover rates, nursing care hours per patient day, on-call use, overtime rates, and needlestick injuries; and

''(D) patient complaints related to staffing levels.

''(3) EVALUATION.—Each participating hospital shall annually evaluate its staffing system and establish minimum registered nurse staffing ratios to assure ongoing reliability and validity of the system and ratios. The evaluation shall be conducted by a joint management-staff committee comprised of at least 50 percent of registered nurses who provide direct patient care.

''(d) ENFORCEMENT.—

''(1) RESPONSIBILITY.—The Secretary shall enforce the requirements and prohibitions of this section in accordance with the succeeding provisions of this subsection.

''(2) PROCEDURES FOR RECEIVING AND INVESTIGATING COMPLAINTS.—The Secretary shall establish procedures under which—

''(A) any person may file a complaint that a participating hospital has violated a requirement or a prohibition of this section; and

''(B) such complaints are investigated by the Secretary.

''(3) REMEDIES.—If the Secretary determines that a participating hospital has violated a requirement of this section, the Secretary—

''(A) shall require the facility to establish a corrective action plan to prevent the recurrence of such violation; and

''(B) may impose civil money penalties under paragraph (4).

''(4) CIVIL MONEY PENALTIES.—

''(A) IN GENERAL.—In addition to any other penalties prescribed by law, the Secretary may impose a civil money penalty of not more than $10,000 for each knowing violation of a requirement of this section, except that the Secretary shall impose a civil money penalty of more than $10,000 for each such violation in the case of a participating hospital that the Secretary determines has a pattern or practice of such violations (with the amount of such additional penalties being determined in accordance with a schedule or methodology specified in regulations).

''(B) PROCEDURES.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

''(C) PUBLIC NOTICE OF VIOLATIONS.—

''(i) INTERNET SITE.—The Secretary shall publish on the Internet site of the Department of Health and Human Services the names of participating hospitals on which civil money penalties have been imposed under this section, the violation for which the penalty was imposed, and such additional information as the Secretary determines appropriate.

''(ii) CHANGE OF OWNERSHIP.—With respect to a participating hospital that had a change in ownership, as determined by the Secretary, penalties imposed on the hospital while under previous ownership shall no longer be published by the Secretary of such Internet site after the 1-year period beginning on the date of change in ownership.

''(e) WHISTLEBLOWER PROTECTIONS.—

''(1) PROHIBITION OF DISCRIMINATION AND RETALIATION.—A participating hospital shall not discriminate or retaliate in any manner against any patient or employee of the hospital because that patient or employee, or any other person, has presented a grievance or complaint, or has initiated or cooperated in any investigation or proceeding of any kind, relating to the staffing system or other requirements and prohibitions of this section.

''(2) RELIEF FOR PREVAILING EMPLOYEES.—An employee of a participating hospital who has been discriminated or retaliated against in employment in violation of this subsection may initiate judicial action in a United States district court and shall be entitled to reinstatement, reimbursement for lost wages, and work benefits caused by the unlawful acts of the employing hospital. Prevailing employees are entitled to reasonable attorney's fees and costs associated with pursuing the case.

''(3) RELIEF FOR PREVAILING PATIENTS.—A patient who has been discriminated or retaliated against in violation of this subsection may initiate judicial action in a United States district court. A prevailing patient shall be entitled to liquidated damages of $5,000 for a violation of this statute in addition to any other damages under other applicable statutes, regulations, or common law. Prevailing patients are entitled to reasonable attorney's fees and costs associated with pursuing the case.

''(4) LIMITATION ON ACTIONS.—No action may be brought under paragraph (2) or (3) more than 2 years after the discrimination or retaliation with respect to which the action is brought.

''(5) TREATMENT OF ADVERSE EMPLOYMENT ACTIONS.—For purposes of this subsection—

''(A) an adverse employment action shall be treated as retaliation or discrimination; and

''(B) the term 'adverse employment action' includes—

''(i) the failure to promote an individual or provide any other employment-related benefit for which the individual would otherwise be eligible;

''(ii) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual; and

''(iii) a personnel action that is adverse to the individual concerned.

''(f) RELATIONSHIP TO STATE LAWS.—Nothing in this section shall be construed as exempting or relieving any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful practice under this title.

''(g) RELATIONSHIP TO CONDUCT PROHIBITED UNDER THE NATIONAL LABOR RELATIONS ACT OR OTHER COLLECTIVE BARGAINING LAWS.—Nothing in this section shall be construed as permitting conduct prohibited under the National Labor Relations Act or under any other Federal, State, or local collective bargaining law.

''(h) REGULATIONS.—The Secretary shall promulgate such regulations as are appropriate and necessary to implement this section.

''(i) DEFINITIONS.—In this section:

''(1) PARTICIPATING HOSPITAL.—The term 'participating hospital' means a hospital that has entered into a provider agreement under section 1866.

''(2) REGISTERED NURSE.—The term 'registered nurse' means an individual who has been granted a license to practice as a registered nurse in at least 1 State.

''(3) UNIT.—The term 'unit' of a hospital is an organizational department or separate geographic area of a hospital, such as a burn unit, a labor and delivery room, a post-anesthesia service area, an emergency department, an operating room, a pediatric unit, a stepdown or intermediate care unit, a specialty care unit, a telemetry unit, a general medical care unit, a subacute care unit, and a transitional inpatient care unit.

''(4) SHIFT.—The term 'shift' means a scheduled set of hours or duty period to be worked at a participating hospital.

''(5) PERSON.—The term 'person' means 1 or more individuals, associations, corporations, unincorporated organizations, or labor unions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008.

By Mr. AKAKA (for himself and Mr. LAUTENBERG):

S. 82. A bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Select Committee on Intelligence.

Mr. AKAKA. Mr. President, I rise to introduce ''The Intelligence Community Audit Act of 2007,'' with Senator LAUTENBERG. This legislation reaffirms the authority of the Comptroller General of the United States and head of the Government Accountability Office (GAO) to audit the financial transactions and evaluate the programs and activities of the intelligence community (IC).

Our bill is identical to S. 3968, introduced in the last Congress by Senator LAUTENBERG and myself, and to H.R. 6252, introduced in the House by Representative BENNIE THOMPSON.

The need for more effective oversight and accountability of our intelligence community has never been greater. In the war against terrorism, intelligence agencies are both the spear and the shield: the first line of our attack and of our defense. Failure can bear terrible consequences.

Congress has two responsibilities: the first is to ensure that our intelligence community is performing its mission effectively, and the second is to ensure that in performing its mission, the intelligence community is not violating the constitutional rights of individual Americans.

Yet the ability of Congress to ensure that the intelligence community has sufficient resources and capability of performing its mission has never been more in question. The establishment of the Department of Homeland Security and the passage of the Intelligence Reform and Terrorism Prevention Act of 2004 created a new institutional landscape littered by new intelligence agencies with ever increasing demands and responsibilities. These new agencies became members of an already populated club of organizations performing intelligence related functions.

The intelligence community today consists of 19 different agencies or components: the Office of the Director of National Intelligence; Central Intelligence Agency; Department of Defense; Defense Intelligence Agency; National Security Agency; Departments of the Army, Navy, Marine Corps, and Air Force; Department of State; Department of Treasury; Department of Energy; Department of Justice; Federal Bureau of Investigation; National Reconnaissance Office; National Geospatial-Intelligence Agency; Coast Guard; Department of Homeland Security, and the Drug Enforcement Administration.

Congress too has increased its oversight responsibilities. Committees other than the intelligence committees of the House and Senate have jurisdiction over such departments as Homeland Security, State, Defense, Justice, Energy, Treasury, and Commerce.

But all of these ''non-intelligence'' committees are restricted in their ability to conduct effective oversight of intelligence function of the agencies under their jurisdiction because, unfortunately, the intelligence community stonewalls the Government Accountability Office (GAO) when committees of jurisdiction request that GAO investigate problems. This is happening despite the clear responsibility of Congress to ensure that these agencies are operating effectively to protect America.

It is inconceivable that the GAO—the audit arm of the U.S. Congress—has been unable to conduct evaluations of the CIA for over 40 years. If the GAO had been able to conduct basic auditing functions of the CIA, perhaps some of the problems that were so clearly exposed following the terrorist attacks in September 2001 would have been resolved. And yet, it is extraordinary that five years after 9–11, the same problems persist.

Two recent incidents have made this situation disturbingly clear. At a hearing entitled, ''Access Delayed: Fixing the Security Clearance Process, Part II,'' before my Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, on November 9, 2005, GAO was asked about steps it would take to ensure that the Office of Personnel Management (OPM), the Office of Management and Budget, and the intelligence community met the goals and objectives outlined in the OPM security clearance strategic plan. Fixing the security clearance process, which is on GAO's high-risk list, is essential to our national security. But as GAO observed in a written response to a question raised by Senator VOINOVICH, ''while we have the authority to do such work, we lack the cooperation we need to get our job done in that area.''

A similar case arose in response to a GAO investigation for the Senate Homeland Security Committee and the House Government Reform Committee on how agencies are sharing terrorism-related and sensitive but unclassified information. The report, entitled ''Information Sharing, the Federal Government Needs to Establish Policies and Processes for Sharing Terrorism-Related and Sensitive but Unclassified Information'' (GAO–06–385), was released in March 2006.

At a time when Congress is criticized by members of the 9–11 Commission for failing to implement its recommendations, we should remember that improving terrorism information sharing among agencies was one of the critical recommendations of the Commission. Moreover, the Intelligence Reform and Terrorism Prevention Act of 2004 mandated the sharing of terrorism information through the creation of an Information Sharing Environment. Yet, when asked by GAO for comments on the GAO report, the Office of the Director of National Intelligence refused, stating that ''the review of intelligence activities is beyond GAO's purview.''

A Congressional Research Service memorandum entitled, ''Overview of 'Classified' and 'Sensitive but Unclassified' Information,'' concludes, ''it appears that pseudo-classification markings have, in some instances, had the effect of deterring information sharing for homeland security.''

Unfortunately I have more examples that predate the post 9–11 reforms. Indeed, in July 2001, in testimony, entitled ''Central Intelligence Agency, Observations on GAO Access to Information on CIA Programs and Activities'' (GAO–01–975T) before the House Committee on Government Reform, the GAO noted, as a practical manner, ''our access is generally limited to obtaining information on threat assessments when the CIA does not perceives [sic] our audits as oversight of its activities.''

The bill I introduce today does not detract from the authority of the intelligence committees. In fact, the language makes explicit that the Comptroller General may conduct an audit or evaluation of intelligence sources and methods or covert actions only upon the request of the intelligence committees or at the request of the congressional majority or minority leaders. The measure also prescribes for the security of the information collected by the Comptroller General.

As both House Rule 48 and Senate Resolution 400 establishing the intelligence oversight committees state, ''Nothing in this [charter] shall be construed as amending, limiting, or otherwise changing the authority of any

standing committee of the, House/Senate, to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.''

Despite this clear and unambiguous statement, the ability of non-intelligence committees to obtain information, no matter how vital to improving the security of our nation, has been restricted by the various elements of the intelligence community.

My bill reaffirms the authority of the Comptroller General to conduct audits and evaluations—other than those relating to sources and methods, or covert actions—relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, information sharing, and change management for other relevant committees of the Congress.

As I mentioned earlier in my statement, Congress also has the responsibility of ensuring that unfettered intelligence collection does not trample civil liberties. New technologies and new personal information data bases threaten our individual right to a secure private life, free from unlawful government invasion. We must ensure that private information collected by the intelligence community is not misused and is secure. Intelligence agencies have a legitimate mission to protect the country against potential threats. However, Congress' role is to ensure that their mission remains legitimate.

Attached is a detailed description of the legislation that I ask unanimous consent be printed in the RECORD.

I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the legislation I am introducing be printed in the RECORD.

There being no objection, the text of the material was ordered to be printed in the RECORD, as follows:

REPORT LANGUAGE

Section 1 of the Act provides that the Act may be cited as the ''Intelligence Community Audit Act of 2007''.

Section 2(a) of the Act adds a new Section (3523a) to title 31, United States Code, with respect to the Comptroller General's authority to audit or evaluate activities of the intelligence community. New Section 3523a(b)(1) reaffirms that the Comptroller General possesses, under his existing statutory authority, the authority to perform audits and evaluations of financial transactions, programs, and activities of elements of the intelligence community and to obtain access to records for the purposes of such audits and evaluations. Such work could be done at the request of the congressional intelligence committees or any committee of jurisdiction of the House of Representatives or Senate (including the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate), or at the Comptroller General's initiative, pursuant to the existing authorities referenced in new Section 3523a(b)(1). New Section 3523a(b)(2) further provides that these audits and evaluations under the Comptroller General's existing authority may include, but are not limited to, matters relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, information sharing, and change management. These audits and evaluations would be accompanied by the safeguards that the Government Accountability Office (GAO) has in place to protect classified and other sensitive information, including physical security arrangements, classification and sensitivity reviews, and restricted distribution of certain products.

This reaffirmation is designed to respond to Executive Branch assertions that GAO does not have the authority to review activities of the intelligence community. To the contrary, GAO's current statutory audit and access authorities permit it to evaluate a wide range of activities in the intelligence community. To further ensure that GAO's authorities are appropriately construed in the future, the new Section 3523a(e), which is described below, makes clear that nothing in this or any other provision of law shall be construed as restricting or limiting the Comptroller General's authority to audit and evaluate, or obtain access to the records of, elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.

New Section 3523a(c)(1) provides that Comptroller General audits or evaluations of intelligence sources and methods, or covert actions may be undertaken only upon the request of the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, or the majority or the minority leader of the Senate or the House of Representatives. This limitation is intended to recognize the heightened sensitivity of audits and evaluations relating to intelligence sources and methods, or covert actions.

The new Section 3523a(c)(2)(A) provides that the results of such audits or evaluations under Section 3523a(c) may be disclosed only to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community. Since the methods GAO uses to communicate the results of its audits or evaluations vary, this provision restricts the dissemination of GAO's findings under Section 3523a(c), whether through testimony, oral briefings, or written reports, to only the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community. Similarly, under new Section 3523a(c)(2)(B), the Comptroller General may only provide information obtained in the course of such an audit or evaluation to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

The new Section 3523a(c)(3)(A) provides that notwithstanding any other provision of law, the Comptroller General may inspect records of any element of the intelligence community relating to intelligence sources and methods, or covert actions in order to perform audits and evaluations pursuant to Section 3523a(c). The Comptroller General's access extends to any records which belong to, or are in the possession and control of, the element of the intelligence community regardless of who was the original owner of such information. Under new Section 3523a(c)(3)(B), the Comptroller General may enforce the access rights provided under this subsection pursuant to section 716 of title 31. However, before the Comptroller General files a report pursuant to 31 U.S.C. 716(b)(1), the Comptroller General must consult with the original requestor concerning the Comptroller General's intent to file a report.

The new Section 3523a(c)(4) reiterates the Comptroller General's obligations to protect the confidentiality of information and adds special safeguards to protect records and information obtained from elements of the intelligence community for audits and evaluations performed under Section 3523a(c). For example, pursuant to new Section 3523a(c)(4)(B), the Comptroller General is to maintain on site, in facilities furnished by the element of the intelligence community subject to audit or evaluation, all workpapers and records obtained for the audit or evaluation. Under new Section 3523a(c)(4)(C), the Comptroller General is directed, after consulting with the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, to establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General under Section 3523a(c). Under new Section 3523a(c)(4)(D), prior to initiating an audit or evaluation under Section 3523a(c), the Comptroller General shall provide the Director of National Intelligence and the head of the relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearances.

The new Section 3523a(d) provides that elements of the intelligence community shall cooperate fully with the Comptroller General and provide timely responses to Comptroller General requests for documentation and information.

The new Section 3523a(e) makes clear that nothing in this or any other provision of law shall be construed as restricting or limiting the Comptroller General's authority to audit and evaluate, or obtain access to the records of, elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.

CONGRESSIONAL RESEARCH SERVICE,
July 18, 2006.

From: Harold C. Relyea, Specialist in American National Government, Government and Finance Division.

Subject: Overview of ''Classified'' and ''Sensitive but Unclassified'' Information.

Prescribed in various ways, federal policies may require the protection of, or a privileged status for, particular kinds of information. This memorandom provides a brief introduction to, and overview of, two categories of such information policy. The first category is demarcated largely in a single policy instrument—a presidential executive order—with a clear focus and in considerable detail: the classification of national security information in terms of three degrees of harm the disclosure of such information could cause to the nation, resulting in Confidential, Secret, and Top Secret designations. The second category is, by contrast with the first, much

broader in terms of the kinds of information it covers, to the point of even being nebulous in some instances, and is expressed in various instruments, the majority of which are non-statutory: the marking of sensitive but unclassified (SBU) information for protective management, although its public disclosure may be permissible pursuant to the Freedom of Information Act (FOIA). These two categories are reviewed in the discussion set out below.

SECURITY CLASSIFIED INFORMATION

Current security classification arrangements, prescribed by an executive order of the President, trace their origins to a March 1940 directive issued by President Franklin D. Roosevelt as E.O. 8381. This development was probably prompted somewhat by desires to clarify the authority of civilian personnel in the national defense community to classify information, to establish a broader basis for protecting military information in view of growing global hostilities, and to manage better a discretionary power seemingly of increasing importance to the entire executive branch. Prior to this 1940 order, information had been designated officially secret by armed forces personnel pursuant to Army and Navy general orders and regulations. The first systematic procedures for the protection of national defense information, devoid of special markings, were established by War Department General Orders No. 3 of February 1912. Records determined to be ''confidential'' were to be kept under lock, ''accessible only to the officer to whom intrusted.'' Serial numbers were issued for all such ''confidential'' materials, with the numbers marked on the documents, and lists of same kept at the offices from which they emanated. With the enlargement of the armed forces after the entry of the United States into World War I, the registry system was abandoned and a tripartite system of classification markings was inaugurated in November 1917 with General Order No. 64 of the General Headquarters of the American Expenditionary Force.

The entry of the United States into World War II prompted some additional arrangements for the protection of information pertaining to the nation's security. Personnel cleared to work on the Manhattan Project for the production of the atomic bomb, for instance, in committing themselves not to disclose protected information improperly, were ''required to read and sign either the Espionage Act or a special secrecy agreement,'' establishing their awareness of their secrecy obligations and a fiduciary trust which, if breached, constituted a basis for their dismissal.

A few years after the conclusion of World War II, President Harry S. Truman, in February 1950, issued E.O. 10104, which, while superseding E.O. 8381, basically reiterated its text, but added a fourth Top Secret classification designation to existing Restricted, Confidential, and Secret markings, making American information security categories consistent with those of our allies. At the time of the promulgation of this order, however, plans were underway for a complete overhaul of the classification program, which would result in a dramatic change in policy.

E.O. 10290, issued in September 1951, introduced three sweeping innovations in security classification policy. First, the order indicated the Chief Executive was relying upon ''the authority vested in me by the Constitution and statutes, and as President of the United States'' in issuing the directive. This formula appeared to strengthen the President's discretion to make official secrecy policy: it intertwined his responsibility as Commander in Chief with the constitutional obligation to ''take care that the laws be faithfully executed.'' Second, information was now classified in the interest of ''national security,'' a somewhat new, but nebulous, concept, which, in the view of some, conveyed more latitude for the creation of official secrets. It replaced the heretofore relied upon ''national defense'' standard for classification. Third, the order extended classified authority to nonmilitary entitie throughout the executive branch, to be exercised by, presumably, but not explicitly limited to, those having some role in ''national security'' policy.

The broad discretion to create official secrets granted by E.O. 10290 engendered widespread criticism from the public and the press. In response, President Dwight D. Eisenhower, shortly after his election to office, instructed Attorney General Herbert Brownell to review the order with a view to revising or rescinding it. The subsequent recommendation was for a new directive, which was issued in November 1953 as E.O. 10501. It withdrew classification authority from 28 entities, limited this discretion in 17 other units to the agency head, returned to the ''national defense'' standard for applying secrecy, eliminated the ''Restricted'' category, which was the lowest level of protection, and explicitly defined the remaining three classification areas to prevent their indiscriminate use.

Thereafter, E.O. 10501, with slight amendment, prescribed operative security classification policy and procedure for the next two decades. Successor orders built on this reform. These included E.O. 11652, issued by President Richard M. Nixon in March 1972, followed by E.O. 12065, promulgated by President Jimmy Carter in June 1978. For 30 years, these classification directives narrowed the bases and discretion for assigning official secrecy to executive branch documents and materials. Then, in April 1982, this trend was reversed with E.O. 12356, issued by President Ronald Reagan. This order expanded the categories of classifiable information, mandated that information falling within these categories be classified, authorized the reclassification of previously declassified documents, admonished classifiers to err on the side classification, and eliminated automatic declassification arrangements.

President William Clinton returned security classification policy and procedure to the reform trend of the Eisenhower, Nixon, and Carter Administrations with E.O. 12958 in April 1995. Adding impetus to the development and issuance of the new order were changing world conditions: the democratization of many eastern European countries, the demise of the Soviet Union, and the end of the Cold War. Accountability and cost considerations were also significant influences. In 1985, the temporary Department of Defense (DOD) Security Review Commission, chaired by retired General Richard G. Stilwell, declared that there were ''no verifiable figures as to the amount of classified material produced in DOD and in defense industry each year.'' Nonetheless, it concluded that ''too much information appears to be classified and much at higher levels than is warranted.'' In October 1993, the cost of the security classification program became clearer when the General Accounting Office (GAO) reported that it was ''able to identify government-wide costs directly applicable to national security information totaling over $350 million for 1992.'' After breaking this figure down—it included only $6 million for declassification work—the report added that ''the U.S. government also spends additional billions of dollars annually to safeguard information, personnel, and property.'' E.O. 12958 set limits for the duration of classification, prohibited the reclassification of properly declassified records, authorized government employees to challenge the classification status of records, reestablished the balancing test of E.O. 12065 weighing the need to protect information vis-a-vis the public interest in its disclosure, and created two review panels—one on classification and declassification actions and one to advise on policy and procedure.

Most recently, in March 2003, President George W. Bush issued E.O. 13292, amending E.O. 12958. Among the changes made by this order were adding infrastructure vulnerabilities or capabilities, protection services relating to national security, and weapons of mass destruction to the categories of classifiable information; easing the reclassification of declassified records; postponing the automatic declassification of protected records 25 or more years old, beginning in mid-April 2003 to the end of December 2006; eliminating the requirement that agencies prepare plans for declassifying records; and permitting the Director of Central Intelligence to block declassification actions of the Interagency Security Classification Appeals Panel, unless overruled by the President.

The security classification program has evolved during the past 66 years. One may not agree with all of its rules and requirements. but attention to detail in its policy and procedure result in a significant management regime. The operative executive order, as amended, defines its principal terms. Those who are authorized to exercise original classification authority are identified. Exclusive categories of classifiable information are specified, as are the terms of the duration of classification, as well as classification prohibitions and limitations. Classified information is required to be marked appropriately along with the identity of the original classifier, the agency or office of origin, and a date or event for declassification. Authorized holders of classified information who believe that its protected status is improper are ''encouraged and expected'' to challenge that status through prescribed arrangements. Mandatory declassification reviews are also authorized to determine if protected records merit continued classification at their present level, a lower level, or at all. Unsuccessful classification challenges and mandatory declassification reviews are subject to review by the Intragency Security Classification Appeals Panel. General restrictions on access to classified information are prescribed, as are distribution controls for classified information. The Information Security Oversight Office (ISOO) within the National Archives and Records Administration (NARA) is mandated to provide central management and oversight of the security classification program. If the director of this entity finds that a violation of the order or its implementing directives has occurred, it must be reported to the head of the agency or to the appropriate senior agency official so that corrective steps, if appropriate, may be taken

While Congress, thus far, has elected not to create statutorily mandated security classification policy and procedures, the option to do so has been explored in the past, and its legislative authority to do so has been recognized by the Supreme Court. Congress, however, has established protections for certain

kinds of information—such as Restricted Data in the Atomic Energy Acts of 1946 and 1954, and intelligence sources and methods in the National Security Act of 1947—which have been realized through security classification arrangements. It has acknowledged properly applied security classification as a basis for withholding records sought pursuant to the Freedom of Information Act. Also, with a view to efficiency and economy, as well as effective records management, committees of Congress, on various occasions, have conducted oversight of security classification policy and practice, and have been assisted by GAO and CRS in this regard.

SENSITIVE BUT UNCLASSIFIED INFORMATION

The widespread existence and use of information control markings other than those prescribed for the security classification of information came to congressional attention in March 1972 when a subcommittee of what is now the House Committee on Government Reform launched the first oversight hearings on the administration and operation of the Freedom of Information Act (FOIA). Enacted in 1966, FOIA had become operative in July 1967. In the early months of 1972, the Nixon Administration was developing new security classification policy and procedure, which would be prescribed in E.O. 11652, issued in early March. Preparatory to this hearing, the panel had surveyed the departments and agencies in August 1971, asking, among other questions, ''What legend is used by your agency to identify records which are not classifiable under Executive Order 10501 [the operative order at the time] but which are not to be made available outside the government?'' Of 58 information control markings identified in response to this question, the most common were For Official Use Only (11 agencies); Limited Official Use (nine agencies); Official Use Only (eight agencies); Restricted Data (five agencies); Administratively Restricted (four agencies); Formerly Restricted Data (four agencies); and Nodis, or no dissemination (four agencies). Seven other markings were used by two agencies in each case. A CRS review of the agency responses to the control markings question prompted the following observation.

Often no authority is cited for the establishment or origin of these labels; even when some reference is provided it is a handbook, manual, administrative order, or a circular but not statutory authority. Exceptions to this are the Atomic Energy Commission, the Defense Department and the Arms Control and Disarmament Agency. These agencies cite the Atomic Atomic Energy Act, N.A.T.O. related laws, and international agreements as a basis for certain additional labels. The Arms Control and Disarmament Agency acknowledged it honored and adopted State and Defense Department labels.

Over three decades later, it appears that approximately the same number of these information control markings are in use; that the majority of them are administratively, not statutorily, prescribed; and that many of them have an inadequate management regime, particularly when compared with the detailed arrangements which govern the management of classified information. A recent press account illustrates another problem. In late January 2005, GCN Update, the online, electronic news service of Government Computer News, reported that ''dozens of classified Homeland Security Department documents'' had been accidently made available on a public Internet site for several days due to an apparent security glitch at the Department of Energy. Describing the contents of the compromised materials and reactions to the breach, the account stated the ''documents were marked 'for official use only,' the lowest secret-level classification.'' The documents, of course, were not security classified, because the marking cited is not authorized by E.O. 12958. Interestingly, however, in view of the fact that this misinterpretation appeared in a story to which three reporters contributed, perhaps it reflects, to some extent, the current confusion of these information control markings with security classification designations.

Broadly considering the contemporary situation regarding information control markings, a recent information security report by the JASON Program Office of the MITRE Corporation proffered the following assessment.

The status of sensitive information outside of the present classification system is murkier than ever. . . . ''Sensitive but unclassified'' data is increasingly defined by the eye of the beholder. Lacking in definition, it is correspondingly lacking in policies and procedures for protecting (or not protecting) it, and regarding how and by whom it is generated and used.

A contemporaneous Heritage Foundation report appeared to agree with this appraisal, saying:

The process for classifying secret information in the federal government is disciplined and explicit. The same cannot be said for unclassified but security-related information for which there is no usable definition, no common understanding about how to control it, no agreement on what significance it has for U.S. national security, and no means for adjudicating concerns regarding appropriate levels of protection.

Concerning the current Sensitive but Unclassified (SBU) marking, a 2004 report by the Federal Research Division of the Library of Congress commented that guidelines for its use are needed, and noted that ''a uniform legal definition or set of procedures applicable to all Federal government agencies does not now exist.'' Indeed, the report indicates that SBU has been utilized in different contexts with little precision as to its scope or meaning, and, to add a bit of chaos to an already confusing situation, is ''often referred to as Sensitive Homeland Security Information.''

Assessments of the variety, management, and impact of information control markings, other than those prescribed for the classification of national security information, have been conducted by CRS, GAO, and the National Security Archive, a private sector research and resource center located at The George Washington University. In March 2006, GAO indicated that, in a recent survey, 26 federal agencies reported using 56 different information control markings to protect sensitive information other than classified national security material. That same month, the National Security Archive offered that, of 37 agencies surveyed, 24 used 28 control markings based on internal policies, procedures, or practices, and eight used 10 markings based on statutory authority. These numbers are important in terms of the variety of such markings. GAO explained this dimension of the management problem.

[T]here are at least 13 agencies that use the designation For Official Use Only [FOUO], but there are at least five different definitions of FOUO. At least seven agencies or agency components use the term Law Enforcement Sensitive (LES), including the U.S. Marshals Service, the Department of Homeland Security (DHS), the Department of Commerce, and the Office of Personnel Management (OPM). These agencies gave differing definitions for the term. While DHS does not formally define the designation, the Department of Commerce defines it to include information pertaining to the protection of senior government officials, and OPM defines it as unclassified information used by law enforcement personnel that requires protection against unauthorized disclosure to protect the sources and methods of investigative activity, evidence, and the integrity of pretrial investigative reports.

Apart from the numbers, however, is another aspect of the management problem, which GAO described in the following terms.

There are no governmentwide policies or procedures that describe the basis on which agencies should use most of these sensitive but unclassified designations, explain what the different designations mean across agencies, or ensure that they will be used consistently from one agency to another. In this absence, each agency determines what designations to apply to the sensitive but unclassified information it develops or shares.

These markings also have implications in another regard. The importance of information sharing for combating terrorism and realizing homeland security was emphasized by the National Commission on Terrorist Attacks Upon the United States. That the variously identified and marked forms of sensitive but unclassified (SBU) information could be problematic with regard to information sharing was recognized by Congress when fashioning the Homeland Security Act of 2002. Section 892 of that statute specifically directed the President to prescribe and implement procedures for the sharing of information by relevant federal agencies, including the accommodation of ''homeland security information that is sensitive but unclassified.'' On July 29, 2003, the President assigned this responsibility largely to the Secretary of Homeland Security. Nothing resulted. The importance of information sharing was reinforced two years later in the report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction. Congress again responded by mandating the creation of an Information Sharing Environment (ISE) when legislating the Intelligence Reform and Terrorism Prevention Act of 2004. Preparatory to implementing the ISE provisions, the President issued a December 16, 2005, memorandum recognizing the need for standardized procedures for SBU information and directing department and agency officials to take certain actions relative to that objective. In May 2006, the newly appointed manager of the ISE agreed with a March GAO assessment that, oftentimes, SBU information, designated as such with some marking, was not being shared due to concerns about the ability of recipients to adequately protect it. In brief, it appears that pseudo-classification markings have, in some instances, had the effect of deterring information sharing for homeland security purposes.

Congressional overseers have probed executive use and management of information control markings other than those prescribed for the classification of national security information, and the extent to which they result in ''pseudo-classification'' or a form of overclassification. Relevant remedial legislation proposed during the 109th Congress includes two bills (H.R. 2331 and H.R. 5112) containing sections which would require the Archivist of the United States to prepare a detailed report regarding the number, use, and management of these information control markings and submit it to specified congressional committees, and to promulgate regulations banning the use of these

markings and otherwise establish standards for information control designations established by statute or an executive order relating to the classification of national security information. A section in the Department of Homeland Security appropriations legislation (H.R. 5441), as approved by the House, would require the Secretary of Homeland Security to revise DHS MD (Management Directive) 11056 to include (1) provision that information that is three years old and not incorporated in a current, active transportation security directive or security plan shall be determined automatically to be releasable unless, for each specific document, the Secretary makes a written determination that identifies a compelling reason why the information must remain Sensitive Security Information (SS1); (2) common and extensive examples of the individual categories of SSI cited in order to minimize and standardize judgment in the application of SSI marking; and (3) provision that, in all judicial proceedings where the judge overseeing the proceedings has adjudicated that a party needs to have access to SSI, the party shall be deemed a covered person for purposes of access to the SSI at issue in the case unless TSA or DHS demonstrates a compelling reason why the specific individual presents a risk of harm to the nation. A May 25, 2006, statement of administration policy on the bill strongly opposed the section, saying it ''would jeopardize an important program that protects Sensitive Security Information (SSI) from public release by deeming it automatically releaseable in three years, potentially conflict with requirements of the Privacy and Freedom of Information Acts, and negate statutory provisions providing original jurisdiction for lawsuits challenging. the designation of SSI materials in the U.S. Courts of Appeals.'' The statement further indicated that the section would create a burdensome review process'' for the Secretary of Homeland Security and would result in different statutory requirements being applied to SSI programs administered by the Departments of Homeland Security and Transportation.''

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC., September 14, 2006.

From: Alfred Cumming, Specialist in Intelligence and National Security, Foreign Affairs, Defense, and Trade Division.

Subject: Congressional Oversight of Intelligence.

This memorandum examines the intelligence oversight structure established by Congress in the 1970s, including the creation of the congressional select intelligence committees by the U.S. House of Representatives and the Senate, respectively. It also looks at the intelligence oversight role that Congress reserved for congressional committees other than the intelligence committees; examines certain existing statutory procedures that govern how the executive branch is to keep the congressional intelligence committees informed of U.S. intelligence activities; and looks at the circumstances under which the two intelligence committees are expected to keep congressional standing committees, as well as both chambers, informed of intelligence activities.

If can be of further assistance, please call at 707–7739.

BACKGROUND

In the wake of congressional investigations into Intelligence Community activities in the mid-1970s, the U.S. Senate in 1976 created a select committee on intelligence to conduct more effective oversight on a continuing basis. The U.S. House of Representatives established its own intelligence oversight committee the following year.

Until the two intelligence committees were created, other congressional standing committees—principally the Senate and House Armed Services and Appropriations committees—shared responsibility for overseeing the intelligence community. Although willing to cede primary jurisdiction over the Central Intelligence Agency (CIA) to the two new select intelligence committees, these congressional standing committees wanted to retain jurisdiction over the intelligence activities of the other departments and agencies they oversaw. According to one observer, the standing committees asserted their jurisdictional prerogatives for two reasons—to protect ''turf,'' but also to provide ''a hedge against the possibility that the newly launched experiment in oversight might go badly.''

INTELLIGENCE COMMITTEES; STATUTORY OBLIGATIONS

Under current statute, the President is required to ensure that the congressional intelligence committees are kept ''fully and currently informed'' of U.S. intelligence activities, including any ''significant anticipated intelligence activity,'' and the President and the intelligence committees are to establish any procedures as may be necessary to carry out these provisions.

The statute, however, stipulates that the intelligence committees in turn are responsible for alerting the respective chambers or congressional standing committees of any intelligence activities requiring further attention. The intelligence committees are to carry out this responsibility in accordance with procedures established by the House of Representatives and the Senate, in consultation with the Director of National Intelligence, in order to protect against unauthorized disclosure of classified information, and all information relating to sources and methods.

The statute stipulates that: ''each of the congressional intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

This provision was included in statute after being specifically requested in a letter from then Senate Foreign Relations Chairman Frank Church and Ranking Minority Member Jacob Javits in an Apr. 30, 1980 letter to then-intelligence committee Chairman Birch Bayh and Vice Chairman Barry Goldwater.

INTELLIGENCE COMMITTEE OBLIGATIONS UNDER RESOLUTION

In an apparent effort to address various concerns relating to committee jurisdiction, the House of Representatives and the Senate, in the resolutions establishing each of the intelligence committees, included language preserving oversight roles for those standing committees with jurisdiction over matters affected by intelligence activities.

Specifically, each intelligence committee's resolution states that: ''Nothing in this [Charter] shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.''

Both resolutions also stipulate that:

Nothing in this [charter] shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the [House/Senate] to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

Finally, both charters direct that each intelligence committee alert the appropriate standing committees, or the respective chambers, of any matter requiring attention. The charters state:

The select committee, for the purposes of accountability to the [House/Senate] shall make regular and periodic reports to the [House/Senate] on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the [House/Senate] or to any other appropriate committee or committees of the [House/Senate] any matters requiring the attention of the [House/Senate] or such other appropriate committee or committees.

CROSS-OVER MEMBERSHIP

Both resolutions also direct that the membership of each intelligence committee include members who serve on the four standing committees that historically have been involved in intelligence oversight. The respective resolutions designate the following committees as falling in this category: Appropriations, Armed Services, Judiciary, and the Senate Foreign Relations Committee and the House International Relations Committee.

Although each resolution directs that such cross-over members be designated, neither specifies whether cross-over members are to play any additional role beyond serving on the intelligence committees. For example, neither resolution outlines whether cross-over members are to inform colleagues on standing committees they represent. Rather, each resolution directs only that the ''intelligence committee'' shall promptly call such matters to the attention of standing committees and the respective chambers if the committees determine that they require further attention by those entities.

SUMMARY CONCLUSIONS

Although the President is statutorily obligated to keep the congressional intelligence committees fully and currently informed of intelligence activities, the statute obligates the intelligence committees to inform the respective chambers, or standing committees, of such activities, if either of the two committees determine that further oversight attention is required.

Further, resolutions establishing the two intelligence committees make clear that the intelligence committees share intelligence oversight responsibilities with other standing committees, to the extent that certain intelligence activities affect matters that fall under the jurisdiction of a committee other than the intelligence committees.

Finally, the resolutions establishing the intelligence committees provide for the designation of ''cross-over'' members representing certain standing committees that played a role in intelligence oversight prior to the establishment of the intelligence committees in the 1970s. The resolutions, however, do not specify what role, if any, these ''cross-over'' members play in keeping standing committees on which they serve informed of certain intelligence activities. Rather, each resolution states that the respective intelligence committee shall make that determination.

S. 82

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 ''Intelligence Community Audit Act of 2007''.

SEC. 2. COMPTROLLER GENERAL AUDITS AND EVALUATIONS OF ACTIVITIES OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) REAFFIRMATION OF AUTHORITY; AUDITS OF INTELLIGENCE COMMUNITY ACTIVITIES.—Chapter 35 of title 31, United States Code, is amended by inserting after section 3523 the following:

''§ 3523a. Audits of intelligence community; audit requesters

''(a) In this section, the term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(b) Congress finds that—

''(1) the authority of the Comptroller General to perform audits and evaluations of financial transactions, programs, and activities of elements of the intelligence community under sections 712, 717, 3523, and 3524, and to obtain access to records for purposes of such audits and evaluations under section 716, is reaffirmed; and

''(2) such audits and evaluations may be requested by any committee of jurisdiction (including the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate), and may include matters relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, information sharing (including information sharing by and with the Department of Homeland Security), and change management.

''(c)(1) The Comptroller General may conduct an audit or evaluation of intelligence sources and methods or covert actions only upon request of the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, or the majority or the minority leader of the Senate or the House of Representatives.

''(2)(A) Whenever the Comptroller General conducts an audit or evaluation under paragraph (1), the Comptroller General shall provide the results of such audit or evaluation only to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

''(B) The Comptroller General may only provide information obtained in the course of an audit or evaluation under paragraph (1) to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

''(3)(A) Notwithstanding any other provision of law, the Comptroller General may inspect records of any element of the intelligence community relating to intelligence sources and methods, or covert actions in order to conduct audits and evaluations under paragraph (1).

''(B) If in the conduct of an audit or evaluation under paragraph (1), an agency record is not made available to the Comptroller General in accordance with section 716, the Comptroller General shall consult with the original requestor before filing a report under subsection (b)(1) of that section.

''(4)(A) The Comptroller General shall maintain the same level of confidentiality for a record made available for conducting an audit under paragraph (1) as is required of the head of the element of the intelligence community from which it is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the intelligence community element that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such records.

''(B) All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during an audit or evaluation under paragraph (1) shall remain in facilities provided by that element of the intelligence community. Elements of the intelligence community shall give the Comptroller General suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of audits and evaluations under paragraph (1).

''(C) After consultation with the Select Committee on Intelligence of the Senate and with the Permanent Select Committee on Intelligence of the House of Representatives, the Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an audit or evaluation under paragraph (1).

''(D) Before initiating an audit or evaluation under paragraph (1), the Comptroller General shall provide the Director of National Intelligence and the head of the relevant element with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records, and information of the element of the intelligence community shall be made available in conducting the audit or evaluation.

''(d) Elements of the intelligence community shall cooperate fully with the Comptroller General and provide timely responses to Comptroller General requests for documentation and information.

''(e) Nothing in this section or any other provision of law shall be construed as restricting or limiting the authority of the Comptroller General to audit and evaluate, or obtain access to the records of, elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3523 the following:

''3523a. Audits of intelligence community; audits and requesters.''.

By Mr. MCCAIN (for himself, Ms. SNOWE, Mr. BIDEN, and Mr. LIEBERMAN):

S. 83. A bill to provide increased rail transportation security; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senators SNOWE, BIDEN, AND LIEBERMAN in introducing the Rail Security Act of 2007. This legislation is nearly identical to the rail security measures approved by the Senate during both the 108th and 109th Congresses. Unfortunately, the House of Representatives has yet to act on rail security legislation. I remain hopeful that rail security will be made a top priority for the 110th Congress.

We have taken important steps and expended considerable resources to secure the homeland since 9/11. I think all would agree that air travel is safer than it was five years ago. And, we have worked to address port security in a comprehensive manner. However, we need to do more to better secure other transportation modes, a fact well documented by the 9/11 Commission. Unfortunately, only relatively modest resources have been dedicated to rail security in recent years. As a result, our Nation's transit system, Amtrak, and the freight railroads remain vulnerable to terrorist attacks.

The Rail Security Act would authorize a total of almost $1.2 billion dollars for rail security. More than half of this funding would be authorized to complete tunnel safety and security improvements at New York's Penn Station, which is used by over 500,000 transit, commuter, and intercity passengers each workday. The legislation would also establish a grant program to encourage security enhancements by the freight railroads, Amtrak, shippers of hazardous materials, and local governments with responsibility for passenger stations. It would help to address identified security weaknesses in a manner that also seeks to protect the taxpayers' interests.

As we continue fight the War on Terror, we need to do all we can to address our vulnerabilities. We have witnessed the tragic attacks on rail systems in other countries, including the cities of London, Mumbai and Madrid, and the devastating consequences of those attacks. It is essential that we move expeditiously to protect all the modes of transportation from potential attack, and this legislation will help to do just that.

As I mentioned earlier, the Senate has consistently supported legislation to promote rail security. Most recently, rail security provisions were adopted last Fall as part of the port security legislation. But again, the House failed to allow these important security provisions to move ahead, and the provisions were stripped from the conference agreement. As a result, our rail network continues to remain vulnerable to terrorist attack. That is unacceptable in my judgement.

I urge the Senate to move quickly to again pass this important legislation.

Mr. MCCAIN (for himself, Mr. STEVENS, and Mr. DORGAN):

S. 84. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am pleased to be joined by Senators STEVENS and DORGAN in introducing the Professional Boxing Amendments Act of 2007. This legislation is virtually identical to a measure approved unanimously by the Senate in 2005. I remain committed to moving the Professional Boxing Amendments Act through the Senate and I trust that my colleagues will once again vote favorably on this important legislation. Simply put, this legislation would better protect professional boxing from the fraud, corruption, and ineffective regulation that have plagued the sport for far too many years, and that have devastated physically and financially many of our Nation's professional boxers.

For almost a decade, Congress has made efforts to improve the sport of professional boxing and for very good reason. With rare exception, professional boxers come from the lowest rung on our economic ladder. Often they are the least educated and most exploited athletes in our nation. The Professional Boxing Safety Act of 1996 and the Muhammad Ali Boxing Reform Act of 2000 established uniform health and safety standards for professional boxers, as well as basic protections for boxers against the sometimes coercive, exploitative, and unethical business practices of promoters, managers, and sanctioning organizations. But further action is needed.

The Professional Boxing Amendments Act would strengthen existing Federal boxing law by improving the basic health and safety standards for professional boxers, establishing a centralized medical registry to be used by local commissions to protect boxers, reducing the arbitrary practices of sanctioning organizations, and enhancing the uniformity and basic standards for professional boxing contracts. Most importantly, this legislation would establish a Federal regulatory entity to oversee professional boxing and set basic uniform standards for certain aspects of the sport.

Current law has improved to some extent the state of professional boxing. However, I remain concerned, as do many others, that the sport remains at risk. In 2003, the Government Accountability Office (GAO) spent more than six months studying ten of the country's busiest State and tribal boxing commissions. Government auditors found that many State and tribal boxing commissions still do not comply with Federal boxing law, and that there is a troubling lack of enforcement by both Federal and State officials.

Ineffective and inconsistent oversight of professional boxing has contributed to the continuing scandals, controversies, unethical practices, and unnecessary deaths in the sport. These problems have led many in professional boxing to conclude that the only solution is an effective and accountable Federal boxing commission. The Professional Boxing Amendments Act would create such an entity.

Professional boxing remains the only major sport in the United States that does not have a strong, centralized association, league, or other regulatory body to establish and enforce uniform rules and practices. Because a powerful few benefit greatly from the current system of patchwork compliance and enforcement of Federal boxing law, a national self-regulating organization though preferable to Federal government oversight is not a realistic option.

This bill would establish the United States Boxing Commission, USBC or Commission. The Commission would be responsible for protecting the health, safety, and general interests of professional boxers. The USBC would also be responsible for ensuring uniformity, fairness, and integrity in professional boxing. More specifically, the Commission would administer Federal boxing law and coordinate with other Federal regulatory agencies to ensure that this law is enforced; oversee all professional boxing matches in the United States; and work with the boxing industry and local commissions to improve the safety, integrity, and professionalism of professional boxing in the United States.

The USBC would also license boxers, promoters, managers, and sanctioning organizations. The Commission would have the authority to revoke such a license for violations of Federal boxing law, to stop unethical or illegal conduct, to protect the health and safety of a boxer, or if the revocation is otherwise in the public interest.

Mr. President, it is important to state clearly and plainly for the record that the purpose of the USBC is not to interfere with the daily operations of State and tribal boxing commissions. Instead, the Commission would work in consultation with local commissions, and it would only exercise its authority when reasonable grounds exist for such intervention. In point of fact, the Professional Boxing Amendments Act states explicitly that it would not prohibit any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing to the extent not inconsistent with the provisions of Federal boxing law.

Let there be no doubt, however, of the very basic and pressing need in professional boxing for a Federal boxing commission. The establishment of the USBC would address that need. The problems that plague the sport of professional boxing undermine the credibility of the sport in the eyes of the public and—more importantly—compromise the safety of boxers. The Professional Boxing Amendments Act provides an effective approach to curbing these problems. I urge my colleagues to support this legislation.

By Mr. MCCAIN (for himself, Mr. DORGAN, Mr. BAUCUS. Mr. GRASSLEY, Mr. REID, Mrs. FEINSTEIN, and Mr. FEINGOLD):

S. 85. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, today I am introducing the Indian Tribes Methamphetamine Reduction Grants Act of 2007. This bill is identical to S. 4113, a bipartisan measure that was passed by unanimous consent in the Senate on December 8, 2006, the last day of the 109th Congress. The legislation would allow Indian tribes to be eligible for funding through the Department of Justice to eradicate the scourge of methamphetamine use, sale and manufacture in Native American communities. I am pleased to be joined by Senators DORGAN, BAUCUS, GRASSLEY, REID, FEINSTEIN, and FEINGOLD in introducing this important legislation.

The impacts of methamphetamine use on communities across the Nation are well known and cannot be overstated. Methamphetamine is the leading drug-related law enforcement problem in the country. Unfortunately, the meth crisis is affecting Indian Country most severely. Very serious concerns have been raised by the U.S. Department of Justice, States, and other non-tribal law enforcement agencies over the rapidly growing levels of methamphetamine production and trafficking on reservations with large geographic areas or tribes adjacent to the U.S.-Mexico border. But because of the sovereign status of the tribes, criminals are generally not subject to state jurisdiction in many cases. As a result, local law enforcement often has no jurisdiction in Indian country, and tribal law enforcement agencies bear the brunt of most law enforcement functions.

The problem of meth in Indian country, which the National Congress of American Indians identified last year as its top priority, is ubiquitous, and has strained already overburdened law enforcement, health, social welfare, housing, and child protective and placement services on Indian reservations. Last year a former tribal judge on the Wind River Reservation in Wyoming pled guilty to conspiracy to distribute methamphetamine and other drugs. The day before, the Navajo Nation police arrested an 81 year old grandmother, her daughter, and her

granddaughter, for selling meth. One tribe in Arizona had over 60 babies born with meth in their systems. In 2005, the National Indian Housing Council expanded its training for dealing with meth in tribal housing: the average cost of decontaminating a single residence that has been used a meth lab is $10,000.

During the 109th Congress, as the Chairman of the Senate Indian Affairs Committee, I held hearings on this serious matter. Committee witnesses testified that the methamphetamine epidemic in Indian country has contributed to a rise in child abuse and neglect cases, among other social ills, and some tribes reported dramatic increases in suicide rates among young people linked to methamphetamine use. Following our hearings, I was pleased to work with Senators DORGAN, SESSIONS, BINGAMAN and others in improving upon our legislation to assist Indian Country in fighting this terrible drug crisis.

To avoid any potential misinterpretation of the intent of this legislation, this bill includes language developed and agreed to during the last Congress that is designed to clarify the intent of the bill. This clarifying language, provided in section 2(a)(4) of the bill, is intended to make it clear that by authorizing the Department of Justice's Bureau of Justice Assistance to award grant funds to a state, territory or Indian tribe to ''investigate, arrest and prosecute individuals'' involved in illegal methamphetamine activities, the legislation does not somehow authorize a grantee state, territory or Indian tribe to pursue law enforcement activities that it otherwise has no jurisdiction to pursue. And similarly, this provision also clarifies that an award or denial of a grant by the Bureau of Justice Assistance does not somehow allow a state, territory or Indian tribe to pursue law enforcement activities that it otherwise lacks jurisdiction to pursue. For example, a law enforcement agency in one state, territory or Indian reservation is not somehow enabled by this section, or by an award made pursuant to this section, to prosecute a methamphetamine crime arising in some other jurisdiction unless that agency already has such jurisdiction.

The legislation further clarifies that authority under the bill to award grants would have no effect beyond simply authorizing, awarding or denying a grant of funds to a state, territory or Indian tribe. So, for example, if a state, territory or Indian tribe is awarded or denied a grant of funds under this section, that award or denial has no relevance to or effect on the eligibility of the state, territory or Indian tribe to participate in any other program or activity unrelated to the award or denial of grants as permitted under this legislation. The award or denial of a grant under this subsection, in other words, is relevant only to the award or denial of the grant under this subsection, and nothing else.

The measure I am introducing today takes but a small step on the long journey toward our fight against methamphetamine. I encourage my colleagues to support it.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 86. A bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am please to be joined by my colleague, Senator KYL, in reintroducing a bill to designate Fossil Creek as a Wild and Scenic River. A companion measure is being introduced today by Congressman RENZI and other members of the Arizona congressional delegation.

Fossil Creek is a thing of beauty. With its picturesque scenery, lush riparian ecosystem, unique geological features, and deep iridescent blue pools and waterfalls, this tributary to the Wild and Scenic Verde River and Lower Colorado River Watershed stretches 14 miles through east central Arizona. It is home to a wide variety of wildlife, some of which are threatened or endangered species. Over 100 bird species inhabit the Fossil Creek area and use it to migrate between the range lowlands and the Mogollon-Colorado Plateau highlands. Fossil Creek also supports a variety of aquatic species and is one of the few perennial streams in Arizona with multiple native fish.

Fossil Creek was named in the 1800's when early explorers described the fossil-like appearance of creek-side rocks and vegetation coated with calcium carbonate deposits from the creek's water. In the early 1900's, pioneers recognized the potential for hydroelectric power generation in the creek's constant and abundant spring fed baseflow. They claimed the channel's water rights and built a dam system and generating facilities known as the Childs-Irving hydro-project. Over time, the project was acquired by Arizona Public Service (APS), one of the state's largest eclectic utility providers serving more than a million Arizonans. Because Childs-Irving produced less then half of 1 percent of the total power generated by APS, the decision was made ultimately to decommission the aging dam and restore Fossil Creek to its pre-settlement conditions.

APS has partnered with various environmental groups, federal land managers, and state, tribal and local governments to safely remove the Childs-Irving power generating facilities and restore the riparian ecosystem. In 2005, APS removed the dam system and returned full flows to Fossil Creek. Researchers predict Fossil Creek will soon become a fully regenerated Southwest native fishery providing a most-valuable opportunity to reintroduce at least six Threatened and Endangered native fish species as well as rebuild the native populations presently living in the creek.

There is a growing need to provide additional protection and adequate staffing and management at Fossil Creek. Recreational visitation to the riverbed is expected to increase dramatically, and by the Forest Service's own admission, they aren't able to manage current levels of visitation or the pressures of increased use. While responsible recreation and other activities at Fossil Creek are to be encouraged, we must also ensure the long-term success of the ongoing restoration efforts. Designation under the Wild and Scenic Rivers Act would help to ensure the appropriate level of protection and resources are devoted to Fossil Creek. Already, Fossil Creek has been found eligible for Wild and Scenic designation by the Forest Service and the proposal has widespread support from surrounding communities. All of the lands potentially affected by a designation are owned and managed by the Forest Service and will not affect private property owners.

Fossil Creek is a unique Arizona treasure, and would benefit greatly from the protection and recognition offered through Wild and Scenic designation. I urge my colleagues to support this bill.

By Mr. KERRY (for himself, Mr. KENNEDY, Ms. CANTWELL, Ms. LANDRIEU, Mr. LAUTENBERG, and Mrs. MURRAY):

S. 95. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today the first bill I am introducing in the 110th Congress is the Kids Come First Act, legislation that would ensure every child in America has health care coverage. The Kids Come First Act was also the first bill I introduced in the 109th Congress and I feel just as strongly today as I did at the beginning of the last Congress that insuring all children must be a top agenda item. In the two years since I last introduced this bill, the problem of uninsured children in this nation has actually worsened.

The 110th Congress faces many challenges, from the war in Iraq to lobbying reform. But perhaps no issue bears more directly on the lives of more Americans than health care reform. Today 47 million Americans are uninsured, including 11 million under age 21. Health care has become a slow-motion Katrina that is ruining lives and bankrupting families all over the country. We cannot stand by as the

ranks of the uninsured rise and American families find themselves in peril.

A recent Census Bureau report revealed that for the first time in almost a decade the number of uninsured children increased. In 2005 there were 361,000 children under the age of 18 added to the uninsured rolls. And the number of Americans without health care continues to rise.

The Kids Come First Act calls for a Federal-State partnership to mandate health coverage to every child in America. The proposal makes the states an offer they can't refuse. The federal government will pay for the most expensive part: enrolling all low-income children in Medicaid, automatically. The states will pay to expand coverage to higher income children. In the end, states across the country will save more than $6 billion a year, and every child will have health care.

It is totally unacceptable that, in the greatest country in the world, millions of children are not getting the health care they need. The Kids Come First Act expands coverage for children up to age of 21. Through expanding the programs that work, such as Medicaid and SCHIP, we can cover all eleven million children uninsured children.

Insuring children improves their health and helps families cover the spiraling costs of insuring them. Covering all kids will reduce avoidable hospitalizations by 22 percent and replace expensive critical care with inexpensive preventative care. Also, when children get the medical attention they need, they pay much better attention in the classroom and studies show their performance improves.

To pay for the expansion of health insurance for children, the Kids Come First Act includes a provision that provides the Secretary of Treasury with the authority to raise the highest income tax rate of 35 percent to a rate not higher than 39.6 percent in order to offset the costs. Prior to the enactment of the Economic Growth and Tax Relief Act Reconciliation Act of 2001, the top marginal rate was 39.6 percent. Less than one percent of taxpayers pay the top rate and for 2007, this rate only affects individual with income above $349,700.

The health care of our children is a priority that we must address and it can be done in a fiscally responsible manner. I will continue to work to find ways to offset the cost of my proposal. The wealthiest of all Americans do not need a tax cut when 11 million children do not even have health insurance. President Bush has called for this rate cut to be made permanent, but I believe it would be a better use of our resources to invest in our future by improving health care for children.

Since I first introduced the Kids Come First Act in the 109th Congress, more than 500,000 people have shown their support for the bill by becoming Citizen Cosponsors and another 20,000 Americans called into our ''Give Voices to Our Values'' hotline to share their personal stories. In addition, a coalition of 24 non-profit organizations representing 20 million people from across the country have endorsed Kids Come First, including the National Association of Children's Hospitals, the American Academy of Pediatrics, the American Academy of Family Physicians, March of Dimes, the Small Business Service Bureau, AFL–CIO, SEIU, and AFSCME.

It is clear that providing health care coverage for our uninsured children is a priority for our nation's workers, businesses, and health care community. They know, as I do, that further delay only results in graver health problems for America's children. Their future, and ours, depends on us doing better. I urge my colleagues to support and help enacting the Kids Come First Act of 2007 during this Congress.

I ask unanimous consent that the text of the Kids Come First Act of 2007 be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 95

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 ''Kids Come First Act of 2007''.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) NEED FOR UNIVERSAL COVERAGE.—

(A) Currently, there are 9,000,000 children under the age of 19 that are uninsured. One out of every 8 children are uninsured while 1 in 5 Hispanic children and 1 in 7 African American children are uninsured. Three-quarters, approximately 6,800,000, of these children are eligible but not enrolled in the Medicaid program or the State Children's Health Insurance Program (SCHIP). Long-range studies found that 1 in 3 children went without health insurance for all or part of 2002 and 2003.

(B) Low-income children are 3 times as likely as children in higher income families to be uninsured. It is estimated that 65 percent of uninsured children have at least 1 parent working full time over the course of the year.

(C) It is estimated that 50 percent of all legal immigrant children in families with income that is less than 200 percent of the Federal poverty line are uninsured. In States without programs to cover immigrant children, 57 percent of noncitizen children are uninsured.

(D) Children in the Southern and Western parts of the United States were nearly 1.7 times more likely to be uninsured than children in the Northeast. In the Northeast, 9.4 percent of children are uninsured while in the Midwest, 8.3 percent are uninsured. The South's rate of uninsured children is 14.3 percent while the West has an uninsured rate of 13 percent.

(E) Children's health care needs are neglected in the United States. One out of every 5 children has problems accessing needed care and one-quarter of young children in the United States are not fully up to date on their basic immunizations. One-third of children with chronic asthma do not get a prescription for the necessary medications to manage the disease and 1 out of every 4 children do not receive annual dental exams.

(F) Children without health insurance are twice as likely as insured children to not receive any medical care in a given year. According to the Centers for Disease Control and Prevention, nearly ½ of all uninsured children have not had a well-child visit in the past year. One in 6 uninsured children had a delayed or unmet medical need in the past year. Minority children are less likely to receive proven treatments such as prescription medications to treat chronic disease.

(G) There are 7,600,000 young adults between the ages of 19 and 20. In the United States, approximately 28 percent, or 2,100,000 individuals, of this group are uninsured.

(H) Chronic illness and disability among children are on the rise. Children most at risk for chronic illness and disability are children who are most likely to be poor and uninsured.

(2) ROLE OF THE MEDICAID AND STATE CHILDREN'S HEALTH INSURANCE PROGRAMS.—

(A) The Medicaid program and SCHIP serve as a crucial health safety net for 30,000,000 children. During the recent economic downturn and the highest number of uninsured individuals ever recorded in the United States,

the Medicaid program and SCHIP offset losses in employer-sponsored coverage. While the number of children living in low-income families increased between 2000 and 2005, the number of uninsured children fell due to the Medicaid program and SCHIP.

(B) 28,000,000 children are enrolled today in the Medicaid program, accounting for ½ of all enrollees and only 18 percent of total program costs.

(C) The Medicaid program and SCHIP do more than just fill in the gaps. Gains in public coverage have reduced the percentage of low-income uninsured children by ⅓ from 1997 to 2005. In addition, a study found that publicly-insured children are more likely to obtain medical care, preventive care, and dental care than similar low-income privately-insured children.

(D) Publicly funded programs such as the Medicaid program and SCHIP actually improve children's health. Children who are currently insured by public programs are in better health than they were a year ago. Expansion of coverage for children and pregnant women under the Medicaid program and SCHIP reduces rates of avoidable hospitalizations by 22 percent and has been proven to reduce childhood deaths, infant mortality rates, and the incidence of low birth weight.

(E) Studies have found that children enrolled in public insurance programs experienced a 68-percent improvement in measures of school performance.

(F) Despite the success of expansions in general under the Medicaid program and SCHIP, due to current budget constraints, many States have stopped doing aggressive outreach and have raised premiums and cost-sharing requirements on families under these programs. In addition, 8 States stopped enrollment in SCHIP for a period of time between April 2003 and July 2004. As a result, SCHIP enrollment fell by 200,000 children for the first time in the program's history.

(G) It is estimated that nearly 50 percent of children covered through SCHIP do not remain in the program due to reenrollment barriers. A recent study found that between 10 and 40 percent of these children are ''lost'' in the system. Difficult renewal policies and reenrollment barriers make seamless coverage in SCHIP unattainable. Studies indicate that as many as 67 percent of children who were eligible but not enrolled for SCHIP had applied for coverage but were denied due to procedural issues.

(H) While the Medicaid program and SCHIP expansions to date have done much to offset what otherwise would have been a significant loss of coverage among children because of declining access to employer coverage, the shortcomings of previous expansions, such as the failure to enroll all eligible children and caps on enrollment in SCHIP because of under-funding, also are clear.

TITLE I—EXPANDED COVERAGE OF CHILDREN UNDER MEDICAID AND SCHIP

SEC. 101. STATE OPTION TO RECEIVE 100 PERCENT FMAP FOR MEDICAL ASSISTANCE FOR CHILDREN IN POVERTY IN EXCHANGE FOR EXPANDED COVERAGE OF CHILDREN IN WORKING POOR FAMILIES UNDER MEDICAID OR SCHIP.

(a) STATE OPTION.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by redesignating section 1939 as section 1940, and by inserting after section 1938 the following:

''STATE OPTION FOR INCREASED FMAP FOR MEDICAL ASSISTANCE FOR CHILDREN IN POVERTY IN EXCHANGE FOR EXPANDED COVERAGE OF CHILDREN IN WORKING POOR FAMILIES UNDER THIS TITLE OR TITLE XXI

''SEC. 1939. (a) 100 PERCENT FMAP.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, in the case of a State that, through an amendment to each of its State plans under this title and title XXI (or to a waiver of either such plan), agrees to satisfy the conditions described in subsections (b), (c), and (d), the Federal medical assistance percentage shall be 100 percent with respect to the total amount expended by the State for providing medical assistance under this title for each fiscal year quarter beginning on or after the date described in subsection (e) for children whose family income does not exceed 100 percent of the poverty line.

''(2) LIMITATION ON SCOPE OF APPLICATION OF INCREASE.—The increase in the Federal medical assistance percentage for a State under this section shall apply only with respect to the total amount expended for providing medical assistance under this title for a fiscal year quarter for children described in paragraph (1) and shall not apply with respect to—

''(A) any other payments made under this title, including disproportionate share hospital payments described in section 1923;

''(B) payments under title IV or XXI; or

''(C) any payments made under this title or title XXI that are based on the enhanced FMAP described in section 2105(b).

''(b) ELIGIBILITY EXPANSIONS.—The condition described in this subsection is that the State agrees to do the following:

''(1) COVERAGE UNDER MEDICAID OR SCHIP FOR CHILDREN IN FAMILIES WHOSE INCOME DOES NOT EXCEED 300 PERCENT OF THE POVERTY LINE.—

''(A) IN GENERAL.—The State agrees to provide medical assistance under this title or child health assistance under title XXI to children whose family income exceeds the medicaid applicable income level (as defined in section 2110(b)(4) but by substituting 'January 1, 2007' for 'March 31, 1997'), but does not exceed 300 percent of the poverty line.

''(B) STATE OPTION TO EXPAND COVERAGE THROUGH SUBSIDIZED PURCHASE OF FAMILY COVERAGE.—A State may elect to carry out subparagraph (A) through the provision of assistance for the purchase of dependent coverage under a group health plan or health insurance coverage if—

''(i) the dependent coverage is consistent with the benefit standards under this title or title XXI, as approved by the Secretary; and

''(ii) the State provides 'wrap-around' coverage under this title or title XXI.

''(C) DEEMED SATISFACTION FOR CERTAIN STATES.—A State that, as of January 1, 2007, provides medical assistance under this title or child health assistance under title XXI to children whose family income is 300 percent of the poverty line shall be deemed to satisfy this paragraph.

''(2) COVERAGE FOR CHILDREN UNDER AGE 21.—The State agrees to define a child for purposes of this title and title XXI as an individual who has not attained 21 years of age.

''(3) OPPORTUNITY FOR HIGHER INCOME CHILDREN TO PURCHASE SCHIP COVERAGE.—The State agrees to permit any child whose family income exceeds 300 percent of the poverty line to purchase full or 'wrap-around' coverage under title XXI at the full cost of providing such coverage, as determined by the State.

''(4) COVERAGE FOR LEGAL IMMIGRANT CHILDREN.—The State agrees to—

''(A) provide medical assistance under this title and child health assistance under title XXI for alien children who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance in accordance with section 1903(v)(4) and 2107(e)(1)(F); and

''(B) not establish or enforce barriers that deter applications by such aliens, including through the application of the removal of the barriers described in subsection (c).

''(c) REMOVAL OF ENROLLMENT AND ACCESS BARRIERS.—The condition described in this subsection is that the State agrees to do the following:

''(1) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State agrees to—

''(A) provide presumptive eligibility for children under this title and title XXI in accordance with section 1920A; and

''(B) treat any items or services that are provided to an uncovered child (as defined in section 2110(c)(8)) who is determined ineligible for medical assistance under this title as child health assistance for purposes of paying a provider of such items or services, so long as such items or services would be considered child health assistance for a targeted low-income child under title XXI.

''(2) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State agrees to provide that eligibility for assistance under this title and title XXI shall not be regularly redetermined more often than once every year for children.

''(3) ACCEPTANCE OF SELF-DECLARATION OF INCOME.—The State agrees to permit the family of a child applying for medical assistance under this title or child health assistance under title XXI to declare and certify by signature under penalty of perjury family income for purposes of collecting financial eligibility information.

''(4) ADOPTION OF ACCEPTANCE OF ELIGIBILITY DETERMINATIONS FOR OTHER ASSISTANCE PROGRAMS.—The State agrees to accept determinations (made within a reasonable period, as found by the State, before its use for this purpose) of an individual's family or household income made by a Federal or State agency (or a public or private entity making such determination on behalf of such agency), including the agencies administering the Food Stamp Act of 1977, the Richard B. Russell National School Lunch Act, and the Child Nutrition Act of 1966, notwithstanding any differences in budget unit, disregard, deeming, or other methodology, but only if—

''(A) such agency has fiscal liabilities or responsibilities affected or potentially affected by such determinations; and

''(B) any information furnished by such agency pursuant to this subparagraph is used solely for purposes of determining eligibility for medical assistance under this title or for child health assistance under title XXI.

''(5) NO ASSETS TEST.—The State agrees to not (or demonstrates that it does not) apply any assets or resources test for eligibility under this title or title XXI with respect to children.

''(6) ELIGIBILITY DETERMINATIONS AND REDETERMINATIONS.—

''(A) IN GENERAL.—The State agrees for purposes of initial eligibility determinations and redeterminations of children under this title and title XXI not to require a face-to-face interview and to permit applications

and renewals by mail, telephone, and the Internet.

''(B) NONDUPLICATION OF INFORMATION.—

''(i) IN GENERAL.—For purposes of redeterminations of eligibility for currently or previously enrolled children under this title and title XXI, the State agrees to use all information in its possession (including information available to the State under other Federal or State programs) to determine eligibility or redetermine continued eligibility before seeking similar information from parents.

''(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed as limiting any obligation of a State to provide notice and a fair hearing before denying, terminating, or reducing a child's coverage based on such information in the possession of the State.

''(7) NO WAITING LIST FOR CHILDREN UNDER SCHIP.—The State agrees to not impose any numerical limitation, waiting list, waiting period, or similar limitation on the eligibility of children for child health assistance under title XXI or to establish or enforce other barriers to the enrollment of eligible children based on the date of their application for coverage.

''(8) ADEQUATE PROVIDER PAYMENT RATES.—The State agrees to—

''(A) establish payment rates for children's health care providers under this title that are no less than the average of payment rates for similar services for such providers provided under the benchmark benefit packages described in section 2103(b);

''(B) establish such rates in amounts that are sufficient to ensure that children enrolled under this title or title XXI have adequate access to comprehensive care, in accordance with the requirements of section 1902(a)(30)(A); and

''(C) include provisions in its contracts with providers under this title guaranteeing compliance with these requirements.

''(d) MAINTENANCE OF MEDICAID ELIGIBILITY LEVELS FOR CHILDREN.—

''(1) IN GENERAL.—The condition described in this subsection is that the State agrees to maintain eligibility income, resources, and methodologies applied under this title (including under a waiver of such title or under section 1115) with respect to children that are no more restrictive than the eligibility income, resources, and methodologies applied with respect to children under this title (including under such a waiver) as of January 1, 2007.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as implying that a State does not have to comply with the minimum income levels required for children under section 1902(l)(2).

''(e) DATE DESCRIBED.—The date described in this subsection is the date on which, with respect to a State, a plan amendment that satisfies the requirements of subsections (b), (c), and (d) is approved by the Secretary.

''(f) DEFINITION OF POVERTY LINE.—In this section, the term 'poverty line' has the meaning given that term in section 2110(c)(5).''.

(b) CONFORMING AMENDMENTS.—

(1) The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting before the period the following: '', and with respect to amounts expended for medical assistance for children on or after the date described in subsection (e) of section 1939, in the case of a State that has, in accordance with such section, an approved plan amendment under this title and title XXI''.

(2) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended—

(A) in subparagraph (C), by adding ''or'' after ''section 1611(b)(1),''; and

(B) by inserting after subparagraph (C), the following:

''(D) who would not receive such medical assistance but for State electing the option under section 1939 and satisfying the conditions described in subsections (b), (c), and (d) of such section,''.

SEC. 102. ELIMINATION OF CAP ON SCHIP FUNDING FOR STATES THAT EXPAND ELIGIBILITY FOR CHILDREN.

(a) IN GENERAL.—Section 2105 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following:

''(h) GUARANTEED FUNDING FOR CHILD HEALTH ASSISTANCE FOR COVERAGE EXPANSION STATES.—

''(1) IN GENERAL.—Only in the case of a State that has, in accordance with section 1939, an approved plan amendment under this title and title XIX, any payment cap that would otherwise apply to the State under this title as a result of having expended all allotments available for expenditure by the State with respect to a fiscal year shall not apply with respect to amounts expended by the State on or after the date described in section 1939(e).

''(2) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of paying a State described in paragraph (1) for each quarter beginning on or after the date described in section 1939(e), an amount equal to the enhanced FMAP of expenditures described in paragraph (1) and incurred during such quarter.''.

(b) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by inserting ''and section 2105(h)'' after ''subsection (d)'';

(2) in subsection (b)(1), by striking ''and subsection (d)'' and inserting '', subsection (d), and section 2105(h)''; and

(3) in subsection (c)(1), by inserting ''and section 2105(h)'' after ''subsection (d)''.

TITLE II—STATE OPTIONS FOR INCREMENTAL CHILD COVERAGE EXPANSIONS

SEC. 201. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.

(a) IN GENERAL.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(1) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

(2) by adding at the end the following new paragraph:

''(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—

''(A) IN GENERAL.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage in order to provide—

''(i) items or services that are not covered, or are only partially covered, under such plan or coverage; or

''(ii) cost-sharing protection.

''(B) ELIGIBILITY.—In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.

''(C) CONTINUED APPLICATION OF DUTY TO PREVENT SUBSTITUTION OF EXISTING COVERAGE.—Nothing in this paragraph shall be construed as modifying the application of section 2102(b)(3)(C) to a State.''.

(b) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), in the fourth sentence, by striking ''subsection (u)(3)'' and inserting '', (u)(3), or (u)(4)''; and

(2) in subsection (u), by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following:

''(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5).''.

(c) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

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

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

''(B) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).''.

SEC. 202. STATE OPTION TO ENROLL LOW-INCOME CHILDREN OF STATE EMPLOYEES IN SCHIP.

Section 2110(b)(2) of the Social Security Act (42 U.S.C. 1397jj(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively and realigning the left margins of such clauses appropriately;

(2) by striking ''Such term'' and inserting the following:

''(A) IN GENERAL.—Such term''; and

(3) by adding at the end the following:

''(B) STATE OPTION TO ENROLL LOW-INCOME CHILDREN OF STATE EMPLOYEES.—At the option of a State, subparagraph (A)(ii) shall not apply to any low-income child who would otherwise be eligible for child health assistance under this title but for such subparagraph.''.

SEC. 203. OPTIONAL COVERAGE OF LEGAL IMMIGRANT CHILDREN UNDER MEDICAID AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens—

''(i) who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and

''(ii) who are otherwise eligible for such assistance, within the eligibility category of children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

''(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).''.

(b) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by section 201(c), is amended redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following:

''(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien children), but only if the State has elected to apply such section to that category of children under title XIX.''.

SEC. 204. STATE OPTION FOR PASSIVE RENEWAL OF ELIGIBILITY FOR CHILDREN UNDER MEDICAID AND SCHIP.

(a) IN GENERAL.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended by adding at the end the following:

''(5) Notwithstanding any other provision of this title, a State may provide that an individual who has not attained 21 years of age who has been determined eligible for medical assistance under this title shall remain eligible for medical assistance until such time as the State has information demonstrating that the individual is no longer so eligible.''.

(b) APPLICATION UNDER TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)), as amended by section 201(c) and 203(b), is amended—

(1) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively; and

(2) by inserting after subparagraph (B), the following:

''(C) Section 1902(l)(5) (relating to passive renewal of eligibility for children).''.

TITLE III—TAX INCENTIVES FOR HEALTH INSURANCE COVERAGE OF CHILDREN

SEC. 301. REFUNDABLE CREDIT FOR HEALTH INSURANCE COVERAGE OF CHILDREN.

(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. HEALTH INSURANCE COVERAGE OF CHILDREN.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to so much of the amount paid during the taxable year, not compensated for by insurance or otherwise, for qualified health insurance for each dependent child of the taxpayer, as exceeds 5 percent of the adjusted gross income of such taxpayer for such taxable year.

''(b) DEPENDENT CHILD.—For purposes of this section, the term 'dependent child' means any child (as defined in section 152(f)(1)) who has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins and with respect to whom a deduction under section 151 is allowable to the taxpayer.

''(c) QUALIFIED HEALTH INSURANCE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified health insurance' means insurance, either employer-provided or made available under title XIX or XXI of the Social Security Act, which constitutes medical care as defined in section 213(d) without regard to—

''(A) paragraph (1)(C) thereof, and

''(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

''(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c)).

''(d) MEDICAL SAVINGS ACCOUNT AND HEALTH SAVINGS ACCOUNT CONTRIBUTIONS.—

''(1) IN GENERAL.—If a deduction would (but for paragraph (2)) be allowed under section 220 or 223 to the taxpayer for a payment for the taxable year to the medical savings account or health savings account of an individual, subsection (a) shall be applied by treating such payment as a payment for qualified health insurance for such individual.

''(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under section 220 or 223 for that portion of the payments otherwise allowable as a deduction under section 220 or 223 for the taxable year which is equal to the amount of credit allowed for such taxable year by reason of this subsection.

''(e) SPECIAL RULES.—

''(1) DETERMINATION OF INSURANCE COSTS.—The Secretary shall provide rules for the allocation of the cost of any qualified health insurance for family coverage to the coverage of any dependent child under such insurance.

''(2) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—In the case of a taxpayer who is eligible to deduct any amount under section 162(l) for the taxable year, this section shall apply only if the taxpayer elects not to claim any amount as a deduction under such section for such year.

''(3) COORDINATION WITH MEDICAL EXPENSE AND HIGH DEDUCTIBLE HEALTH PLAN DEDUCTIONS.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 or 223 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

''(4) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(5) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) if the credit under section 35 is allowed and no credit shall be allowed under 35 if a credit is allowed under this section.

''(6) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.''.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050V the following new section:

''SEC. 6050W. RETURNS RELATING TO PAYMENTS FOR QUALIFIED HEALTH INSURANCE.

''(a) IN GENERAL.—Any governmental unit or any person who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of a dependent child (as defined in section 36(b)) of such individual under creditable health insurance, shall make the return described in subsection (b) (at such time as the Secretary may by regulations prescribe) with respect to each individual from whom such payments were received.

''(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

''(1) is in such form as the Secretary may prescribe, and

''(2) contains—

''(A) the name, address, and TIN of the individual from whom payments described in subsection (a) were received,

''(B) the name, address, and TIN of each dependent child (as so defined) who was provided by such person with coverage under creditable health insurance by reason of such payments and the period of such coverage, and

''(C) such other information as the Secretary may reasonably prescribe.

''(c) CREDITABLE HEALTH INSURANCE.—For purposes of this section, the term 'creditable health insurance' means qualified health insurance (as defined in section 36(c)).

''(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required under subsection (b)(2)(A) to be set forth in such return a written statement showing—

''(1) the name and address of the person required to make such return and the phone number of the information contact for such person,

''(2) the aggregate amount of payments described in subsection (a) received by the person required to make such return from the individual to whom the statement is required to be furnished, and

''(3) the information required under subsection (b)(2)(B) with respect to such payments.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

''(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by striking ''and'' at the end of clause (xx) and by inserting at the end the following new clause:

''(xxi) section 6050W (relating to returns relating to payments for qualified health insurance), and''.

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking ''or'' at the end of the next to last subparagraph, by striking the period at the end of the last subparagraph and inserting '', or'', and by adding at the end the following new subparagraph:

''(DD) section 6050W(d) (relating to returns relating to payments for qualified health insurance).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050V the following new item:

''Sec. 6050W. Returns relating to payments for qualified health insurance''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36 of such Code''.

(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 last item and inserting the following new items:

''Sec. 36. Health insurance coverage of children

''Sec. 37. Overpayments of tax''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 302. FORFEITURE OF PERSONAL EXEMPTION FOR ANY CHILD NOT COVERED BY HEALTH INSURANCE.

(a) IN GENERAL.—Section 151(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended by adding at the end the following new paragraph:

''(5) REDUCTION OF EXEMPTION AMOUNT FOR ANY CHILD NOT COVERED BY HEALTH INSURANCE.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the exemption amount otherwise determined under this subsection for any dependent child (as defined in section 36(b)) for any taxable year shall be reduced by the same percentage as the percentage of such taxable year during which such dependent child was not covered by qualified health insurance (as defined in section 36(c)).

''(B) FULL REDUCTION IF NO PROOF OF COVERAGE IS PROVIDED.—For purposes of subparagraph (A), in the case of any taxpayer who fails to attach to the return of tax for any taxable year a copy of the statement furnished to such taxpayer under section 6050W, the percentage reduction under such subparagraph shall be deemed to be 100 percent.

''(C) NONAPPLICATION OF PARAGRAPH TO TAXPAYERS IN LOWEST TAX BRACKET.—This paragraph shall not apply to any taxpayer whose taxable income for the taxable year does not exceed the initial bracket amount determined under section 1(i)(1)(B).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE IV—MISCELLANEOUS

SEC. 401. REQUIREMENT FOR GROUP MARKET HEALTH INSURERS TO OFFER DEPENDENT COVERAGE OPTION FOR WORKERS WITH CHILDREN.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 714. REQUIREMENT TO OFFER OPTION TO PURCHASE DEPENDENT COVERAGE FOR CHILDREN.

''(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall offer an individual who is enrolled in such coverage the option to purchase dependent coverage for a child of the individual.

''(b) NO EMPLOYER CONTRIBUTION REQUIRED.—An employer shall not be required to contribute to the cost of purchasing dependent coverage for a child by an individual who is an employee of such employer.

''(c) DEFINITION OF CHILD.—In this section, the term 'child' means an individual who has not attained 21 years of age.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Requirement to offer option to purchase dependent coverage for children''.

(b) PUBLIC HEALTH SERVICE ACT.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. REQUIREMENT TO OFFER OPTION TO PURCHASE DEPENDENT COVERAGE FOR CHILDREN.

''(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall offer an individual who is enrolled in such coverage the option to purchase dependent coverage for a child of the individual.

''(b) NO EMPLOYER CONTRIBUTION REQUIRED.—An employer shall not be required to contribute to the cost of purchasing dependent coverage for a child by an individual who is an employee of such employer.

''(c) DEFINITION OF CHILD.—In this section, the term 'child' means an individual who has not attained 21 years of age.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2007.

SEC. 402. EFFECTIVE DATE.

Unless otherwise provided, the amendments made by this title shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

TITLE V—REVENUE PROVISION

SEC. 501. PARTIAL REPEAL OF RATE REDUCTION IN THE HIGHEST INCOME TAX BRACKET.

Section 1(i)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

''In the case of taxable years beginning during calendar year 2007 and thereafter, the final item in the fourth column in the preceding table shall be applied by substituting for ''35.0%'' a rate equal to the lesser of 39.6% or the rate the Secretary determines is necessary to provide sufficient revenues to offset the Federal outlays required to implement the provisions of, and amendments made by, the Kids Come First Act of 2007.''.

By Mr. KERRY:

S. 96. A bill to amend the Internal Revenue Code of 1986 to ensure a fairer and simpler method of taxing controlled foreign corporations of United States shareholders, to treat certain foreign corporations managed and controlled in the United States as domestic corporations, to codify the economic substance doctrine, and to eliminate the top corporate income tax rate, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the ''Export Products Not Jobs Act.'' Our tax code is extremely complicated. In 1994, the IRS estimated that a family that itemized their deductions and had some interest and capital gains would spend 11½ hours preparing their Federal income tax return. A decade later in 2004, this estimate increased to 19 hours and 45 minutes. It is time for Congress to pass bipartisan tax legislation in the style of the Tax Reform Act of 1986, which greatly simplified the tax code. And our tax reform should be based upon the following three principles: fairness, simplicity, and opportunity for economic growth.

Citizens and businesses struggle to comply with rules governing taxation of business income, capital gains, income phase-outs, extenders, the myriad savings vehicles, recordkeeping for itemized deductions, the alternative minimum tax (AMT), the earned income tax credit (EITC), and taxation of foreign business income. I believe that our international tax system needs to be simplified and reformed to encourage businesses to remain in the United States. And today, I am introducing legislation that I hope will be fully considered as we continue our discussions on tax reform.

Presently, the complexities of our international tax system actually encourage U.S. corporations to invest overseas. Current tax laws allow companies to defer paying U.S. taxes on income earned by their foreign subsidiaries, which provides a substantial tax break for companies that move investment and jobs overseas. Today, under U.S. tax law, a company that is trying to decide where to locate production or services—either in the United States or in a foreign low-tax haven—is actually given a substantial tax incentive not only to move jobs overseas, but to reinvest profits permanently, as opposed to bringing the profits back to re-invest in the United States.

Recent press articles have revealed examples of companies taking advantage of this perverse incentive in our tax code. For instance, some companies have taken advantage of this initiative by opening subsidiaries to serve markets throughout Europe. Much of the profit earned by these subsidiaries will stay in the European countries and the companies therefore avoid paying U.S. taxes. Other companies have announced the expansion of jobs in India. This reflects a continued pattern among some U.S. multinational companies of shifting software development and call centers to India, and this trend is starting to expand include the shifting critical functions like design and research and development to India as well. Some companies are even outsourcing the preparation of U.S. tax returns.

The Export Products Not Jobs Act would put an to end to these practices by eliminating tax breaks that encourage companies to move jobs overseas and by using the savings to create jobs in the United States by repealing the top corporate rate. This legislation ends tax breaks that encourage companies to move jobs by: 1. eliminating the ability of companies to defer, paying U.S. taxes on foreign income; 2. closing abusive corporate tax loopholes; and 3. repealing the top corporate rate. It removes the incentive to shift jobs overseas by eliminating deferral so that

companies pay taxes on their international income as they earn it, rather than being allowed to defer taxes.

Last Congress, the Ways and Means Subcommittee on Revenue held a hearing on international tax laws. Stephen Shay, a former Reagan Treasury official, testified that our tax rules ''provide incentives to locate business activity outside the United States.'' Furthermore, he suggested that taxation of U.S. shareholders under an expansion of Subpart F would be a ''substantial improvement'' over our current system. The Export Products Not Jobs Act does just that.

Our current tax system punishes U.S. companies that choose to create and maintain jobs in the United States. These companies pay higher taxes and suffer a competitive disadvantage with a company that chooses to move jobs to a foreign tax haven. There is no reason why our tax code should provide an incentive that encourages investment and job creation overseas. Under my legislation, companies would be taxed the same whether they invest abroad or at home; they will be taxed on their foreign subsidiary profits just like they are taxed on their domestic profits.

This legislation reflects the most sweeping simplification of international taxes in over 40 years. Our economy has changed in the last 40 years and our tax laws need to be updated to keep pace. Our current global economy was not even envisioned when existing law was written.

My Export Products Not Jobs Act will in no way hinder our global competitiveness. Companies will be able to continue to defer income they earn when they locate production in a foreign country that serves that foreign country's markets. For example, if a U.S. company wants to open a hotel in Bermuda or a car factory in India to sell cars, foreign income can still be deferred. But if a company wants to open a call center in India to answer calls from outside India or relocate abroad to sell cars back to the United States or Canada, the company must pay taxes just like call centers and auto manufacturers located in the United States.

Currently, American companies allocate their revenue not in search of the highest return, but in search of lower taxes. Eliminating deferral will improve the efficiency of the economy by making taxes neutral so that they do not encourage companies to overinvest abroad solely for tax reasons.

The Congressional Research Service stated in a 2003 report that, ''[a]ccording to traditional economic theory, deferral thus reduces economic welfare by encouraging firms to undertake overseas investments that are less productive—before taxes are considered—than alternative investments in the United States.'' Additionally, a 2000 Department of Treasury study on deferral stated, ''[a]mong all of the options considered, ending deferral would also be likely to have the most positive long-term effect on economic efficiency and welfare because it would do the most to eliminate tax considerations from decisions regarding the location of investment.''

The ''Export Products Not Jobs Act'' would modify the rules for determining residency for publicly-traded companies by basing a corporation's residence on the location of its primary place of management and control. This will prevent companies from locating in tax havens, but basically maintaining their operations in the United States. This provision should not hinder foreign investment in the United States. Existing companies that are incorporated in foreign countries with a comprehensive tax treaty with the United States will not be affected by this provision.

Massachusetts is an example of a state that benefits from foreign investment. Two foreign companies have recently expanded investment in Massachusetts. Our tax system should not discourage foreign investment, but it should not encourage companies to locate in tax havens.

The revenue raised from the repeal of deferral and closing corporate loopholes would be used to repeal the top corporate tax rate of 35 percent. The tax differential between U.S. corporate rates and foreign corporate rates has grown over the last two decades and the repeal of the top corporate rate is a start in narrowing this gap.

The Export Products Not Jobs Act would promote equity among U.S. taxpayers by ensuring that corporations could not eliminate or substantially reduce taxation of foreign income by separately incorporating their foreign operations. This legislation will eliminate the tax incentives to encourage U.S. companies to invest abroad and reward those companies that have chosen to invest in the United States. I urge my colleagues to join me in this effort, and I ask unanimous consent that summary of the Export Products Not Jobs Act, as well as the text of the legislation, be printed in the RECORD.

There being no objection, the text of the material was ordered to be printed in the RECORD, as follows:

EXPORT PRODUCTS NOT JOBS ACT

OVERVIEW

The Export Products Not Jobs Act makes sweeping changes to the current international tax laws by: (1) ending tax breaks that encourage companies to move jobs overseas by eliminating the ability of companies to defer paying U.S. taxes on foreign income; (2) simplifying current-law Subpart F rules; (3) closing abusive corporate tax loopholes; and (4) repealing the top corporate tax rate.

Current tax laws allow companies to defer paying U.S. taxes on income earned by their foreign subsidiaries, providing a substantial tax break for companies to move investment and jobs overseas. Except as provided under the Subpart F rules, American companies generally do not have to pay taxes on their active foreign income until they repatriate it to the United States.

The Export Products Not Jobs Act eliminates deferral so companies will be taxed on their foreign subsidiary profits in the same way they are taxed on their domestic profits. This new system will apply to profits in future years. In order to ensure that American companies can compete in international markets, income companies earn when they locate production in a foreign country that serves that foreign country's home markets can still be deferred.

The Subpart F rules which govern the taxation of foreign subsidiaries controlled by American companies have become increasingly complicated over time, adding to the overall complexity of the tax code and making it easier for companies to exploit loopholes to escape paying taxes. Under this bill, the complexity created by the current Subpart F rules will be eliminated and a simpler, more transparent system will be put into place.

In a tax system without deferral, U.S.-based multinational corporations might be tempted to locate their top-tiered entity overseas to avoid taxation on the income of a foreign subsidiary. This legislation would strengthen the corporate residency test by preventing companies from incorporating in a foreign jurisdiction to avoid U.S. taxation on a worldwide basis. The current law test that is based solely on where the company is incorporated is artificial, and allows foreign corporations that are economically similar to American companies to avoid being taxed like American companies. Determining residency based on the location of a company's primary place of management and control will provide a more meaningful standard.

In order to prevent abusive tax transactions, the legislation includes a provision that would codify the judicially-developed economic substance test, which disallows transactions where the profit potential is insubstantial compared to the tax benefits. This proposal is identical to the economic substance provisions that have been passed repeatedly by the Senate.

The revenue saved from ending deferral, strengthening the corporate residency test, and shutting down abusive tax shelters will be used to lower the maximum corporate tax rate from 35 percent to 34 percent. The tax differential between U.S. corporations and foreign corporate rates has grown over the last two decades. This proposal, in combination with the deduction for domestic manufacturing activity when fully phased-in in 2009, will result in a corporate tax rate of 31 percent for domestic manufacturing activity. The ''Export Products Not Jobs Act'' moves in the right direction towards narrowing this gap.

SUMMARY OF PROVISIONS

I. Reform and Simplification of Subpart F Income

Subpart F Income Defined

Present law

Generally within the U.S., 10–percent shareholders of a controlled foreign corporation (CFC) are taxed on the pro rata shares of certain income referred to as Subpart F income. A CFC generally is defined as any foreign corporation in which U.S. persons (directly, indirectly, or constructively) own more than 50 percent of the corporation's stock (measured by vote or value), taking into account only those U.S. persons that own at least 10 percent of the stock (measured by vote only). Typically, Subpart F income is passive income or income that is

readily movable from one taxing jurisdiction to another. Subpart F income is defined in code section 952 as foreign base company income, insurance income, and certain income relating to international boycotts and other violations of public policy.

Export Products Not Jobs Act

This legislation strikes code section 952 and replaces it with a new definition of Subpart F income. Generally, Subpart F income is defined as all gross income of the controlled foreign corporation with exceptions for certain types of income. Subpart F income of a CFC for any taxable year is limited to the earnings and profits of the CFC for that taxable year. Subpart F will continue to include income related to international boycotts.

Exceptions to Subpart F Income

Present law

Subpart F income is defined in the code rather narrowly and the definition lists the income that it includes. Subpart F income is currently taxed, and other income of a U.S. person's CFC that conducts foreign operations generally is subject to U.S. tax only when it is repatriated to the United States.

Temporary Active Financing Exception

Under current law, there are temporary exceptions from the Subpart F provisions for certain active financing income, which is income derived in the active conduct of a banking, financing, or similar business, or in the conduct of an insurance business. This temporary exception expires at the end of 2008. To be eligible for this exception, substantially all transactions must be conducted directly by the CFC or a qualified business unit of a CFC in its home country.

Export Products Not Jobs Act

Under the legislation, Subpart F income is generally all income of a CFC except for active home country income of the CFC. Active home country income constitutes qualified property income or qualified service income and is derived from the active and regular conduct of one or more trades or businesses within the home country. The home country is defined as the country in which the CFC is created or organized.

Qualified property income is defined as income derived in connection with: (1) the manufacture, production, growth, or extraction of any personal property within the home country of the CFC; or (2) the resale in the home country of the CFC of personal property manufactured, produced, grown, or extracted within the home country of such corporation for the resale of such property by the CFC in the home country. The property has to be sold for use or consumption within the home country in either case.

Qualified services income is defined as income derived in connection with the providing of services in transactions with customers who, at the time the services are provided, are located in the home country. Services are required: (1) to be used in the home country; or (2) to be used in the active conduct of trade or business by the recipient where substantially all of the activities in connection with the trade or business are conducted by the recipient in the home country.

Under the ''Export Products Not Jobs Act,'' the current-law temporary active financing exception is repealed. The legislation includes a de minimis exception providing that if the Subpart F income of a CFC is less than the lesser of five percent of gross income, or $1 million, the Subpart F income of the CFC is zero for that taxable year.

For purposes of calculating the Subpart F income of a CFC, properly allocated deductions are allowed.

A CFC can elect to be treated as a domestic corporation. The election will apply to the taxable year for which it is made and all subsequent taxable years unless revoked with the consent of the Secretary. If a CFC chooses to make an election to be treated as a domestic corporation, pre-2008 earnings and profits are not included in gross income.

Captive Insurance Income

Present Law

Under current law, special rules apply to captive insurance companies that have related person insurance income which is defined as any insurance income attributable to a policy of insurance or reinsurance with respect to which the person (directly or indirectly) insured is a U.S. shareholder in the foreign corporation or a related person to such a shareholder. These companies are formed to insure the risks of the owners. Under current law, a lower ownership threshold applies to determine whether a captive insurance company is treated as a CFC subject to the current-law income inclusion rules of Subpart F. Under this lower ownership threshold, a captive insurance company is treated as a CFC if 25 percent or more of the stock is owned by U.S. persons.

The special rules for captive insurance companies were added in 1986 because Congress was concerned that the ownership of these companies was often dispersed widely and that these companies were not covered by the otherwise applicable ownership threshold for a CFC.

Export Products Not Jobs Act

The bill retains, in simplified form, the present-law concept of related person insurance income, and also retains the lower ownership threshold for captive insurance companies that are treated as CFCs. Captive insurance income that meets the requirements of the active home exception, like other active home country services income, however, can be deferred.

Effective Date

The above described provisions apply to taxable years beginning after December 31, 2007.

II. Corporate Residency Definition

Present Law

The place of incorporation or organization determines whether a corporation is treated as foreign or domestic for purposes of U.S. tax law. A corporation is treated as domestic if it is incorporated or organized under the laws of the United States or of any State.

Export Products Not Jobs Act

The bill amends the rules for determining corporate residency for publicly-traded companies incorporated or organized in a foreign country, by basing such corporation's residence on the location of its primary place of management and control. A company incorporated or organized in the United States is still considered a domestic corporation in any event. Primary place of management and control is defined as the place where the executive officers and senior management of the corporation exercise day-to-day responsibility for the strategic, financial, and operational decision-making for the company (including direct and indirect subsidiaries).

Effective Date

The proposal would be effective for taxable years beginning on or after two years after the date of enactment. A corporation that is in existence on the date of enactment and is incorporated in a country in which the United States has a comprehensive tax treaty is not affected by this provision.

III. Shutdown of Abusive Tax Shelters

Clarification of Economic Substance Doctrine

Present Law

Under current law, there are specific rules regarding the computation of taxable income. In addition to these statutory provisions, courts have developed several doctrines that can be applied to deny the tax benefits of motivated transactions, even though the transaction meets the requirements of a specific tax provision. Generally, courts have denied tax benefits if the transaction lacks economic substance independent of tax considerations.

Export Products Not Jobs Act

Clarifies that a transaction has economic substance only if the taxpayer establishes that: (1) the transaction changes in a meaningful way (aside from Federal income tax consequences) the taxpayer's economic position; and (2) the taxpayer has a substantial non-tax purpose for entering into such a transaction and the transaction is a reasonable means of accomplishing such purpose. This proposal applies to transactions entered into after the date of enactment.

Penalty for Understatements Attributable to Transactions Lacking Economic Substance

Present Law

Under current law, there are various penalties for understatements. There is a 20 percent accuracy-related penalty imposed on any understatement attributable to any adequately disclosed listed transaction or certain reportable transactions (''reportable transaction understatement''). The penalty is increased to 30 percent if such a transaction is not adequately disclosed in accordance with regulations.

Export Products Not Jobs Act

The bill imposes a 40 percent penalty on any understatement attributable to any transaction that lacks economic substance (''noneconomic substance underpayment''). The rate is reduced to 20 percent if the taxpayer discloses the transaction in accordance with regulations. This proposal applies to transactions entered into after the date of enactment.

Denial of Deduction for Interest on Underpayments Attributable to Noneconomic Substance Transactions

Present Law

Under current law, no deduction for interest is allowed for interest paid or accrued on any underpayment of tax which is attributable to the portion of any reportable transaction understatement for which the facts were not adequately disclosed.

Export Products Not Jobs Act of 2006

The bill extends the disallowance of interest deductions to interest paid or accrued on any underpayment of tax attributable to any noneconomic substance underpayment. The proposal applies to transactions after the date of enactment in taxable years ending after such date.

IV. Repeal of Top Corporate Marginal Income Tax Rate

Present Law

The maximum corporate rate is 35 percent and this rate applies to taxable income in excess of $10 million. The maximum rate on corporate taxable gains is 35 percent. A corporation with taxable income in excess of $15 million is required to increase its tax liability by the lesser of three percent of the excess, or $100,000.

Export Products Not Jobs Act

The bill repeals the top corporate rate of 35 percent. The highest marginal tax rate will be 34 percent and the maximum rate of tax on corporate net capital gains will also be 34 percent. The 34 percent rate applies to income in excess of $75,000. The proposal applies to taxable years beginning after December 31, 2007.

S. 96

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Export Products Not Jobs Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—FOREIGN TAX REFORM AND SIMPLIFICATION

SEC. 101. REFORM AND SIMPLIFICATION OF SUBPART F.

(a) IN GENERAL.—Subpart F of part III of subchapter N of chapter 1 (relating to controlled foreign corporations) is amended by striking sections 952, 953, and 954 and inserting the following:

''SEC. 952. SUBPART F INCOME DEFINED.

''(a) IN GENERAL.—For purposes of this subpart, except as provided in this section, the term 'subpart F income' means the gross income of the controlled foreign corporation.

''(b) EXCEPTIONS FOR CERTAIN TYPES OF INCOME.—Subpart F income shall not include—

''(1) the active home country income (as defined in section 953) of the controlled foreign corporation for the taxable year, or

''(2) any item of income for the taxable year from sources within the United States which is effectively connected with the conduct by the controlled foreign corporation of a trade or business within the United States unless such item is exempt from taxation (or is subject to a reduced rate of tax) pursuant to a treaty obligation of the United States. For purposes of paragraph (2), income described in paragraph (2) or (3) of section 921(d) shall be treated as derived from sources within the United States and any exemption (or reduction) with respect to the tax imposed by section 884 shall not be taken into account.

''(c) LIMITATION BASED ON EARNINGS AND PROFITS.—

''(1) IN GENERAL.—For purposes of subsection (a), the subpart F income of any controlled foreign corporation for any taxable year shall not exceed the earnings and profits of such corporation for such taxable year.

''(2) RECHARACTERIZATION IN SUBSEQUENT TAXABLE YEARS.—If the subpart F income of any controlled foreign corporation for any taxable year was reduced by reason of paragraph (1), any excess of the earnings and profits of such corporation for any subsequent taxable year over the subpart F income of such foreign corporation for such taxable year shall be recharacterized as subpart F income under rules similar to the rules applicable under section 904(f)(5).

''(3) SPECIAL RULE FOR DETERMINING EARNINGS AND PROFITS.—For purposes of this subsection, earnings and profits of any controlled foreign corporation shall be determined without regard to paragraphs (4), (5), and (6) of section 312(n). Under regulations, the preceding sentence shall not apply to the extent it would increase earnings and profits by an amount which was previously distributed by the controlled foreign corporation.

''(d) DE MINIMIS EXCEPTION.—If the subpart F income of a controlled foreign corporation for any taxable year (determined without regard to this subsection and section 954(a)) is less than the lesser of—

''(1) 5 percent of gross income, or

''(2) $1,000,000,

the subpart F income of such corporation for such taxable year shall be treated as being equal to zero.

''(e) SPECIAL RULES RELATING TO BOYCOTTS, BRIBES, AND CERTAIN FOREIGN COUNTRIES.—

''(1) IN GENERAL.—Subpart F income of a controlled foreign corporation for any taxable year (determined without regard to this subsection) shall be increased by the sum of—

''(A) the product of—

''(i) the gross income of the corporation reduced by its subpart F income (as so determined), and

''(ii) the international boycott factor (as determined under section 999),

''(B) the sum of the amounts of any illegal bribes, kickbacks, or other payments (within the meaning of section 162(c)) paid by or on behalf of the corporation during the taxable year of the corporation directly or indirectly to an official, employee, or agent in fact of a government, and

''(C) the gross income of such corporation which is derived from any foreign country during any period during which section 901(j) applies to such foreign country and which is not otherwise treated as subpart F income (as so determined).

''(2) SPECIAL RULE FOR ILLEGAL PAYMENTS.—The payments referred to in paragraph (1)(B) are payments which would be unlawful under the Foreign Corrupt Practices Act of 1977 if the payor were a United States person.

''(3) INCOME DERIVED FROM FOREIGN COUNTRY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of paragraph (1)(C), including regulations which treat income paid through 1 or more entities as derived from a foreign country to which section 901(j) applies if such income was, without regard to such entities, derived from such country.

''SEC. 953. ACTIVE HOME COUNTRY INCOME.

''(a) IN GENERAL.—For purposes of section 952(b), the term 'active home country income' means, with respect to any controlled foreign corporation, income derived from the active and regular conduct of 1 or more trades or businesses within the home country of such corporation which constitutes—

''(1) qualified property income, or

''(2) qualified services income.

''(b) QUALIFIED PROPERTY INCOME.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified property income' means income derived in connection with—

''(A) the manufacture, production, growth, or extraction (in whole or in substantial part)of any personal property within the home country of the controlled foreign corporation, or

''(B) the resale by the controlled foreign corporation within its home country of personal property manufactured, produced, grown, or extracted (in whole or in substantial part) within that home country.

''(2) PROPERTY MUST BE USED OR CONSUMED IN HOME COUNTRY.—Paragraph (1) shall only apply to income if the personal property is sold for use or consumption within the home country.

''(c) QUALIFIED SERVICES INCOME.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified services income' means income (other than qualified property income) derived in connection with the providing of services in transactions with customers which, at the time the services are provided, are located in the home country of such corporation.

''(2) SERVICES MUST BE USED IN HOME COUNTRY.—Paragraph (1) shall only apply to income if the services—

''(A) are used or consumed in the home country of the controlled foreign corporation, or

''(B) are used in the active conduct of a trade or business by the recipient and substantially all of the activities in connection with the trade or business are conducted by the recipient in such home country.

''(3) SPECIAL RULE FOR INSURANCE INCOME.—If income of a controlled foreign corporation—

''(A) is attributable to the issuing (or reinsuring) of an insurance or annuity contract, and

''(B) would (subject to the modifications under section 954(c)(2)(B)) be taxed under subchapter L of this chapter if such income were the income of a domestic corporation,

such income shall be treated as qualified services income only if the contract covers only risks in connection with property in, liability arising out of activity in, or lives or health of residents of, the home country of such corporation.

''(4) ANTI-ABUSE RULE.—For purposes of this subsection, there shall be disregarded any item of income of a controlled foreign corporation derived in connection with any trade or business if, in the conduct of the trade or business, the corporation is not engaged in regular and continuous transactions with customers which are not related persons.

''(d) HOME COUNTRY.—For purposes of this section, the term 'home country' means, with respect to a controlled foreign corporation, the country in which such corporation is created or organized.

''SEC. 954. OTHER RULES AND DEFINITIONS RELATING TO SUBPART F INCOME.

''(a) DEDUCTIONS TO BE TAKEN INTO ACCOUNT.—For purposes of determining the subpart F income of a controlled foreign corporation for any taxable year, gross income, and any category of income described in subsection (b) or (c) of section 953, shall be reduced by deductions (including taxes) properly allocable to such income or category. The Secretary shall prescribe regulations for the application of this subsection.

''(b) ELECTION BY CONTROLLED FOREIGN CORPORATION TO BE TREATED AS DOMESTIC CORPORATION.—

''(1) IN GENERAL.—If—

''(A) a foreign corporation is a controlled foreign corporation which makes an election to have this subsection apply and waives all benefits to such corporation granted by the United States under any treaty, and

''(B) such foreign corporation meets such requirements as the Secretary shall prescribe to ensure that the taxes imposed by this chapter on such foreign corporation are paid,

such corporation shall be treated as a domestic corporation for purposes of this title.

''(2) PERIOD DURING WHICH ELECTION IS IN EFFECT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked with the consent of the Secretary.

''(B) TERMINATION.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (B) of paragraph (1) for any subsequent taxable year, such election shall not apply to such subsequent taxable year and all succeeding taxable years.

''(3) TREATMENT OF LOSSES.—If any corporation treated as a domestic corporation under this subsection is treated as a member of an affiliated group for purposes of chapter 6 (relating to consolidated returns), any loss of such corporation shall be treated as a dual consolidated loss for purposes of section 1503(d) without regard to paragraph (2)(B) thereof.

''(4) EFFECT OF ELECTION.—

''(A) IN GENERAL.—For purposes of section 367, any foreign corporation making an election under paragraph (1) shall be treated as transferring (as of the 1st day of the 1st taxable year to which such election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

''(B) EXCEPTION FOR PRE-2008 EARNINGS AND PROFIT.—

''(i) IN GENERAL.—Earnings and profits of the foreign corporation accumulated in taxable years beginning before January 1, 2008, shall not be included in the gross income of the persons holding stock in such corporation by reason of subparagraph (A).

''(ii) TREATMENT OF DISTRIBUTIONS.—For purposes of this title, any distribution made by a corporation to which an election under paragraph (1) applies out of earnings and profits accumulated in taxable years beginning before January 1, 2008, shall be treated as a distribution made by a foreign corporation.

''(iii) CERTAIN RULES TO CONTINUE TO APPLY TO PRE-2008 EARNINGS.—The provisions specified in clause (iv) shall be applied without regard to paragraph (1), except that, in the case of a corporation to which an election under paragraph (1) applies, only earnings and profits accumulated in taxable years beginning before January 1, 2008, shall be taken into account.

''(iv) SPECIFIED PROVISIONS.—The provisions specified in this clause are:

''(I) Section 1248 (relating to gain from certain sales or exchanges of stock in certain foreign corporations).

''(II) Subpart F of part III of subchapter N to the extent such subpart relates to earnings invested in United States property or amounts referred to in clause (ii) or (iii) of section 951(a)(1)(A).

''(5) EFFECT OF TERMINATION.—For purposes of section 367, if—

''(A) an election is made by a corporation under paragraph (1) for any taxable year, and

''(B) such election ceases to apply for any subsequent taxable year,

such corporation shall be treated as a domestic corporation transferring (as of the 1st day of such subsequent taxable year) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

''(c) SPECIAL RULE FOR CERTAIN CAPTIVE INSURANCE COMPANIES.—

''(1) IN GENERAL.—Solely for purposes of applying this subpart to related person insurance income—

''(A) the term 'United States shareholder' means, with respect to any foreign corporation, a United States person (as defined in section 957(c)) who owns (within the meaning of section 958(a)) any stock of the foreign corporation,

''(B) the term 'controlled foreign corporation' has the meaning given to such term by section 957(a) determined by substituting '25 percent or more' for 'more than 50 percent', and

''(C) the pro rata share referred to in section 951(a)(1)(A)(i) shall be determined under paragraph (5) of this subsection.

''(2) RELATED PERSON INSURANCE INCOME.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'related person insurance income' means any income which—

''(i) is attributable to a policy of insurance or reinsurance with respect to which the person (directly or indirectly) insured is a United States shareholder in the foreign corporation or a related person to such a shareholder, and

''(ii) would (subject to the modifications provided by subparagraph (B)) be taxed under subchapter L of this chapter if such income were the income of a domestic insurance company.

''(B) SPECIAL RULES.—For purposes of subparagraph (A)—

''(i) The following provisions of subchapter L shall not apply:

''(I) The small life insurance company deduction.

''(II) Section 805(a)(5) (relating to operations loss deduction).

''(III) Section 832(c)(5) (relating to certain capital losses).

''(ii) The items referred to in—

''(I) section 803(a)(1) (relating to gross amount of premiums and other considerations),

''(II) section 803(a)(2) (relating to net decrease in reserves),

''(III) section 805(a)(2) (relating to net increase in reserves), and

''(IV) section 832(b)(4) (relating to premiums earned on insurance contracts),

shall be taken into account only to the extent they are in respect of any reinsurance or the issuing of any insurance or annuity contract described in subparagraph (A).

''(iii) Reserves for any insurance or annuity contract shall be determined in the same manner as if the controlled foreign corporation were subject to tax under subchapter L, except that in applying such subchapter—

''(I) the interest rate determined for the functional currency of the corporation and which, except as provided by the Secretary, is calculated in the same manner as the Federal mid-term rate under section 1274(d), shall be substituted for the applicable Federal interest rate,

''(II) the highest assumed interest rate permitted to be used in determining foreign statement reserves shall be substituted for the prevailing State assumed interest rate, and

''(III) tables for mortality and morbidity which reasonably reflect the current mortality and morbidity risks in the corporation's home country shall be substituted for the mortality and morbidity tables otherwise used for such subchapter.

''(iv) All items of income, expenses, losses, and deductions shall be properly allocated or apportioned under regulations prescribed by the Secretary.

''(3) EXCEPTION FOR CORPORATIONS NOT HELD BY INSUREDS.—Paragraph (1) shall not apply to any foreign corporation if at all times during the taxable year of such foreign corporation—

''(A) less than 20 percent of the total combined voting power of all classes of stock of such corporation entitled to vote, and

''(B) less than 20 percent of the total value of such corporation,

is owned (directly or indirectly under the principles of section 883(c)(4)) by persons who are (directly or indirectly) insured under any policy of insurance or reinsurance issued by such corporation or who are related persons to any such person.

''(4) TREATMENT OF MUTUAL INSURANCE COMPANIES.—In the case of a mutual insurance company—

''(A) this subsection shall apply,

''(B) policyholders of such company shall be treated as shareholders, and

''(C) appropriate adjustments in the application of this subpart shall be made under regulations prescribed by the Secretary.

''(5) DETERMINATION OF PRO RATA SHARE.—

''(A) IN GENERAL.—The pro rata share determined under this paragraph for any United States shareholder is the lesser of—

''(i) the amount which would be determined under paragraph (2) of section 951(a) if—

''(I) only related person insurance income were taken into account,

''(II) stock owned (within the meaning of section 958(a)) by United States shareholders on the last day of the taxable year were the only stock in the foreign corporation, and

''(III) only distributions received by United States shareholders were taken into account under subparagraph (B) of such paragraph (2), or

''(ii) the amount which would be determined under paragraph (2) of section 951(a) if the entire earnings and profits of the foreign corporation for the taxable year were subpart F income.

''(B) COORDINATION WITH OTHER PROVISIONS.—The Secretary shall prescribe regulations providing for such modifications to the provisions of this subpart as may be necessary or appropriate by reason of subparagraph (A).

''(6) RELATED PERSON.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'related person' has the meaning given such term by subsection (d)(3).

''(B) TREATMENT OF CERTAIN LIABILITY INSURANCE POLICIES.—In the case of any policy of insurance covering liability arising from services performed as a director, officer, or employee of a corporation or as a partner or employee of a partnership, the person performing such services and the entity for which such services are performed shall be treated as related persons.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including—

''(A) regulations preventing the avoidance of this subsection through cross insurance arrangements or otherwise, and

''(B) regulations which may provide that a person will not be treated as a United States shareholder under paragraph (1) with respect to any foreign corporation if neither such person (nor any related person to such person) is (directly or indirectly) insured under any policy of insurance or reinsurance issued by such foreign corporation.

''(d) OTHER DEFINITIONS AND RULES.—For purposes of this section—

''(1) TREATMENT OF BRANCHES.—If—

''(A) a controlled foreign corporation carries on activities through a branch or similar establishment with a home country other

than the home country of such corporation, and

''(B) the carrying on of such activities in such manner has substantially the same effect as if such branch or similar establishment were a wholly owned subsidiary of such corporation,

this subpart shall, under regulations prescribed by the Secretary, be applied as if such branch or other establishment were a wholly owned subsidiary of such corporation.

''(2) HOME COUNTRY.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The term 'home country' has the meaning given such term by section 953(d).

''(B) BRANCH.—In the case of a branch or similar establishment, the term 'home country' means the foreign country in which—

''(i) the principal place of business of the branch or similar establishment is located, and

''(ii) separate books and accounts are maintained.

''(3) RELATED PERSON DEFINED.—For purposes of this section, a person is a related person with respect to a controlled foreign corporation, if—

''(A) such person is an individual, corporation, partnership, trust, or estate which controls, or is controlled by, the controlled foreign corporation, or

''(B) such person is a corporation, partnership, trust, or estate which is controlled by the same person or persons which control the controlled foreign corporation.

For purposes of the preceding sentence, control means, with respect to a corporation, the ownership, directly or indirectly, of stock possessing more than 50 percent of the total voting power of all classes of stock entitled to vote or of the total value of stock of such corporation. In the case of a partnership, trust, or estate, control means the ownership, directly or indirectly, of more than 50 percent (by value) of the beneficial interests in such partnership, trust, or estate. For purposes of this paragraph, rules similar to the rules of section 958 shall apply.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the items relating to sections 953 and 954 and inserting:

''Sec. 953. Active home country income.
''Sec. 954. Other rules and definitions relating to subpart F income.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations beginning after December 31, 2007, and taxable years of United States shareholders with or within which such taxable years of such corporations end.

SEC. 102. TREATMENT OF FOREIGN CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES AS DOMESTIC CORPORATIONS.

(a) IN GENERAL.—Section 7701(a)(4) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

''(4) DOMESTIC.—

''(A) IN GENERAL.—The term 'domestic' means, when applied to a corporation or partnership, a corporation or partnership which is created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

''(B) INCOME TAX EXCEPTION FOR PUBLICLY-TRADED CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES.—Notwithstanding subparagraph (A), in the case of a corporation the stock of which is regularly traded on an established securities market, if—

''(i) the corporation would not otherwise be treated as a domestic corporation for purposes of this title, but

''(ii) the management and control of the corporation occurs primarily within the United States,

then, solely for purposes of chapter 1 (and any other provision of this title relating to chapter 1), the corporation shall be treated as a domestic corporation.

''(C) MANAGEMENT AND CONTROL.—For purposes of this paragraph, the management and control of a corporation shall be treated as primarily occurring within the United States if substantially all of the executive officers and senior management of the corporation who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the corporation are primarily located within the United States. The Secretary may by regulations include other individuals not described in the preceding sentence in the determination of whether the management and control of the corporation occurs primarily within the United States if such other individuals exercise the day-to day responsibilities described in the preceding sentence.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning on or after the date which is 2 years after the date of the enactment of this Act.

(2) TRANSITION RULE FOR CORPORATIONS ORGANIZED IN TREATY COUNTRIES.—If—

(A) a corporation is in existence on the date of the enactment of this Act, and

(B) the corporation was created or organized under the laws of a foreign country with which the United States has, on such date, a comprehensive income tax treaty which the Secretary of the Treasury determines is satisfactory for purposes of this paragraph and which includes an exchange of information program,

section 7701(a)(4)(B) of the Internal Revenue Code of 1986 (as added by the amendments made by this section) shall not apply to the corporation with respect to taxable years ending in any continuous period beginning on such date during which the corporation is eligible for the benefits of such treaty (or any successor treaty with such foreign country meeting the requirements of this paragraph).

TITLE II—ECONOMIC SUBSTANCE DOCTRINE

SEC. 201. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 202. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(o)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A), by inserting ''and a noneconomic substance transaction understatement'' after ''reportable transaction understatement'',

(C) in paragraph (2)(B), by inserting ''6662B or'' before ''6663'',

(D) in paragraph (2)(C)(i), by inserting ''or section 6662B'' before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting ''and section 6662B'' after ''This section'',

(F) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

(G) by adding at the end the following new paragraph:

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Subsection (e) of section 6707A is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 203. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).'', and

(2) by inserting ''**AND NONECONOMIC SUBSTANCE TRANSACTIONS**'' in the heading thereof after ''**TRANSACTIONS**''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

TITLE III—ELIMINATION OF HIGHEST CORPORATE MARGINAL INCOME TAX RATE

SEC. 301. ELIMINATION OF HIGHEST CORPORATE MARGINAL INCOME TAX RATE.

(a) IN GENERAL.—Section 11(b)(1) (relating to amount of tax imposed on corporations) is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraph:

''(C) 34 percent of so much of the taxable income as exceeds $75,000.''.

(b) CERTAIN PERSONAL SERVICE CORPORATIONS.—Section 11(b)(2) is amended by striking ''35 percent'' and inserting ''34 percent''.

(c) CONFORMING AMENDMENTS.—

(1) Section 11(b)(1) is amended by striking the last sentence.

(2) Section 1201(a) is amended—

(A) by striking ''35 percent'' each place it appears and inserting ''34 percent'', and

(B) by striking ''last 2 sentences'' and inserting ''last sentence''.

(3) Paragraphs (1) and (2) of section 1445(e) are each amended by striking ''35 percent'' and inserting ''34 percent''.

(4) Section 1561(a) is amended by striking ''last 2 sentences'' and inserting ''last sentence''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. KERRY:

S. 97. A bill to amend the Internal Revenue Code of 1986 to replace the Hope and Lifetime Learning credits with a partially refundable college opportunity credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the College Opportunity Tax Credit Act of 2007. This legislation creates a new tax credit that will put the cost of higher education in reach for American families.

An October 2006 College Board report found that this year tuition and other costs at public and private universities rose faster than inflation. And, according to the report, tuition and fees at public universities rose more in the past five years than at any other time in the past 30 years, increasing by 35 percent to $5,836 this academic year. Over the same time period, tuition and

fees at private universities increased 22 percent to $22,218.

Unfortunately, neither student aid funds nor family incomes are keeping pace with increasing tuition and fees. In my travels around the country, I frequently hear from parents concerned they will not be able to pay for their children's college. These parents know that earning a college education will result in greater earnings for their children and they desperately want to ensure their kids have the greatest opportunities possible.

In 1997, we implemented two new tax credits to make college affordable—the HOPE Credit and the Lifetime Learning Credit. These tax credits were important and have put college in reach for families, but I believe we can do more. In December, the Senate Finance Committee held a hearing on tax incentives for higher education in which we learned that the existing tax credits are not reaching enough students, particularly lower-income students who are most severely impacted by rising tuitions.

The HOPE and Lifetime Learning credits are not refundable, and therefore a family of four must have an income over $30,000 in order to receive the maximum credit. Almost half of families with college students fail to receive the full credit because their income is too low. In order to receive the full benefit of the Lifetime Learning credit, a student has to spend $10,000 a year on tuition and fees. This is nearly double the average annual public four-year college tuition and four times the average annual tuition of a community college. Over 80 percent of college students attend schools with tuition and fees under $10,000.

In 2004, I proposed a refundable tax credit to help pay for the cost of four years of college. Currently the HOPE Credit applies only to the first two years of college. The College Opportunity Tax Credit Act of 2007 (COTC) helps students and parents afford all four years of college. It also builds on the proposal I made in 2004 by incorporating some of the suggestions made by experts, including those at this week's Finance Committee hearing. My legislation creates a new credit that replaces the existing HOPE credit and Lifetime Learning credit and ultimately makes these benefits more generous.

The COTC has two components. The first provides a refundable tax credit for a student enrolled in a degree program at least on a half-time basis. It would provide a 100 percent tax credit for the first $1,000 of eligible expenses and a 50 percent tax credit to the next $3,000 of expenses. The maximum credit would be $2,500 each year per student. The second provides a nonrefundable tax credit for part-time students, graduate students, and other students that do not qualify for the refundable tax credit. It provides a 40 percent credit for the first $1,000 of eligible expenses and a 20 percent credit for the next $3,000 of expenses.

Both of these credits can be used for expenses associated with tuition and fees. The same income limits that apply to the HOPE credit and the Lifetime Learning credit apply to the COTC; the COTC will be phased out ratably for taxpayers with income between $45,000 and $55,000 ($90,000 and $110,000 for married taxpayers). These amounts are indexed for inflation, as are the eligible amounts of expenses.

The College Opportunity Tax Credit Act of 2007 simplifies the existing credits that make higher education more affordable and will enable more students to be eligible for tax relief. I understand that many of my colleagues are interested in making college more affordable. I look forward to working with my colleagues to make a refundable tax credit for college education a reality this Congress. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 97

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 ''College Opportunity Tax Credit Act of 2007''.

SEC. 2. COLLEGE OPPORTUNITY TAXT CREDIT.

(a) IN GENERAL.—

(1) ALLOWANCE OF CREDIT.—Section 25A(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended—

(A) in paragraph (1), by striking ''the Hope Scholarship Credit'' and inserting ''the eligible student credit amount determined under subsection (b)'', and

(B) in paragraph (2), by striking ''the Lifetime Learning Credit'' and inserting ''the part-time, graduate, and other student credit amount determined under subsection (c)''.

(2) NAME OF CREDIT.—The heading for section 25A of such Code is amended to read as follows:

''SEC. 25A. COLLEGE OPPORTUNITY CREDIT.''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of parti IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 25A and inserting the following:

''Sec. 25A. College opportunity credit.''.

(b) ELIGIBLE STUDENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25A(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''the Hope Scholarship Credit'' and inserting ''the eligible student credit amount determined under this subsection'', and

(B) by striking ''PER STUDENT CREDIT'' in the heading and inserting ''IN GENERAL''.

(2) AMOUNT OF CREDIT.—Paragraph (4) of section 25A(b) of such Code (relating to applicable limit) is amended by striking ''2'' and inserting ''3''.

(3) CREDIT REFUNDABLE.—

(A) IN GENERAL.—Section 25A of such Code is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) PORTION OF CREDIT REFUNDABLE.—

''(1) IN GENERAL.—The aggregate credits allowed under subpart C shall be increased by the amount of the credit which would be allowed under this section—

''(A) by reason of subsection (b), and

''(B) without regard to this subsection and the limitation under section 26(a) or subsection (j), as the case may be.

''(2) TREATMENT OF CREDIT.—The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a) or subsection (j), as the case may be.''.

(B) TECHNICAL AMENDMENT.—Section 1324(b) of title 31, United States Code, is amended by inserting '', or enacted by the College Opportunity Tax Credit Act of 2007'' before the period at the end.

(4) LIMITATIONS.—

(A) CREDIT ALLOWED FOR 4 YEARS.—Subparagraph (A) of section 25A(b)(2) of such Code is amended—

(i) by striking ''2'' in the text and in the heading and inserting ''4'', and

(ii) by striking ''the Hope Scholarship Credit'' and inserting ''the credit allowable''.

(B) ELIMINATION OF LIMITATION ON FIRST 2 YEARS OF POSTSECONDARY EDUCATION.—Section 25A(b)(2) of such Code is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(5) CONFORMING AMENDMENTS.—

(A) The heading of subsection (b) of section 25A of such Code is amended to read as follows:

''(b) ELIGIBLE STUDENTS.—''.

(B) Section 25A(b)(2) of such Code is amended—

(i) in subparagraph (B), by striking ''the Hope Scholarship Credit'' and inserting ''the credit allowable'', and

(ii) in subparagraph (C), as redesignated by paragraph (4)(B), by striking ''the Hope Scholarship Credit'' and inserting ''the credit allowable''.

(c) PART-TIME, GRADUATE, AND OTHER STUDENTS.—

(1) IN GENERAL.—Subsection (c) of section 25A of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) PART-TIME, GRADUATE, AND OTHER STUDENTS.—

''(1) IN GENERAL.—In the case of any student for whom an election is in effect under this section for any taxable year, the part-time, graduate, and other student credit amount determined under this subsection for any taxable year is an amount equal to the sum of—

''(A) 40 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the student during any academic period beginning in such taxable year) as does not exceed $1,000, plus

''(B) 20 percent of such expenses so paid as exceeds $1,000 but does not exceed the applicable limit.

''(2) APPLICABLE LIMIT.—For purposes of paragraph (1)(B), the applicable limit for any taxable year is an amount equal to 3 times the dollar amount in effect under paragraph (1)(A) for such taxable year.

''(3) SPECIAL RULES FOR DETERMINING EXPENSES.—

''(A) COORDINATION WITH CREDIT FOR ELIGIBLE STUDENTS.—The qualified tuition and related expenses with respect to a student who is an eligible student for whom a credit is allowed under subsection (a)(1) for the taxable year shall not be taken into account under this subsection.

''(B) EXPENSES FOR JOB SKILLS COURSES ALLOWED.—For purposes of paragraph (1), qualified tuition and related expenses shall include expenses described in subsection (f)(1) with respect to any course of instruction at an eligible educational institution to acquire or improve job skills of the student.''.

(2) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—Subsection (h) of section 25A of such Code (relating to inflation adjustments) is amended by adding at the end the following new paragraph:

''(3) DOLLAR LIMITATION ON AMOUNT OF CREDIT UNDER SUBSECTION (a)(2).—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2007, each of the $1,000 amounts under subsection (c)(1) 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 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.''.

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 25A(h) of such code is amended by inserting ''UNDER SUBSECTION (a)(1)'' after ''CREDIT''.

(d) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25A of the Internal Revenue Code of 1986, as amended by subsection (b)(3), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (h) the following new subsection:

''(j) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowed under this subpart (other than this section and sections 23, 24, and 25B) and section 27 for the taxable year.''.

(2) CONFORMING AMENDMENT.—Section 25(a)(1) of such Code is amended by inserting ''25A,'' after ''24,''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. KERRY (for himself and Ms. LANDRIEU):

S. 98. A bill to foster the development of minority-owned small businesses; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I ask unanimous consent that this statement be printed in the record. Mr. President, I rise today to introduce the Minority Entrepreneurship Development Act of 2007. At the beginning of a new Congress it is important to set priorities for the nation because every new Congress brings with it the hope for a brighter future. One of the ways that this new Senate will lead is by creating opportunities for more Americans to pursue the American dream. As incoming Chair of the Small Business and Entrepreneurship Committee, I hope to help in that effort by fostering the development of entrepreneurship in minority communities. It's vital that current and future entrepreneurs from minority communities are given the opportunity to build their own piece of the American dream. I believe that this legislation the Minority Entrepreneurship Development Act of 2007 will help in that effort.

I want to take a moment and tell you why it's so important to expand the numbers of entrepreneurs in the minority community. As a member of the Senate Committee on Small Business and Entrepreneurship, I have received firsthand testimony and countless reports documenting the positive economic impact that occurs when we foster entrepreneurship in under-served communities. There are signs of significant economic returns when minority businesses are created and are able to grow in size and capacity. Between 1987 and 1997, revenue from minority owned firms rose by 22.5 percent, an increase equivalent to an annual growth rate of 10 percent. Employment opportunities within minority owned firms increased by 23 percent during that same period. There is a clear correlation between the growth of minority owned firms and the economic viability of the minority community.

Although these economic numbers tell a significant part of the story they don't tell the whole story of what these firms mean to the minority communities they serve and represent. Many of these business leaders are first generation immigrants; many are first generation business owners and many represent, for those in their communities, what hard work, determination and patience can do.

We must encourage those kinds of values in our minority communities and, quite frankly, in our nation as a whole. For generations, millions have come to our shores in search of a better life. Millions of others were brought here by force and for years were not given a voice in how their lives would turn out. But, how ever we got here, we all have become branches of this great tree we call America. This tree is still nourished by roots planted by our forefathers more than 200 years ago. Those men and women planted the roots of hard work, innovation, faith and risk taking.

When you think about it, those words are the perfect description of an entrepreneur. It is the spirit of entrepreneurship that has made our nation great. And that is why it is absolutely imperative that we continue to support and develop that spirit in our minority communities. To that end, this legislation provides several tools to help minority entrepreneurs as they develop and grow their businesses.

First, this legislation will create an Office of Minority Small Business Development at the Small Business Administration. One of its primary functions will be to increase the number of small business loans that minority businesses receive. Latinos, African-Americans, Asian-Americans and women have been receiving far fewer small business loans than they reasonably should.

To ensure that this trend is reversed and minorities begin to get a greater share of loan dollars, venture capital investments, counseling, and contracting opportunities, this bill will give the new office the authority to monitor the outcomes for SBA's Capital Access, Entrepreneurial Development, and Government Contracting programs. It also requires the head of the Office to work with SBA's partners, trade associations and business groups to identify more effective ways to market to minority business owners, and to work with the head of SBA's Field Operations to ensure that district offices have staff and resources to market to minorities.

Second, this legislation will create the Minority Entrepreneurship and Innovation Pilot Program. This program will offer a competitive grant to Historically Black Colleges and Universities, Tribal Colleges, and Hispanic-Serving Institutions to create an entrepreneurship curriculum at these institutions and to open Small Business Development Centers on those campus' to serve local businesses.

The goal of this program is to target students in highly skilled fields such as engineering, manufacturing, science and technology, and guide them towards entrepreneurship as a career option. Traditionally, minority-owned businesses are disproportionately represented in the service sectors. Promoting entrepreneurial education to undergraduate students will help expand business ownership beyond the service sectors to higher yielding technical and financial sectors.

Third, this legislation will create the Minority Access to Information Distance Learning Pilot Program. This program will offer competitive grants to well established national minority non-profit and business organizations to create distance learning programs for small business owners who are interested in doing business with the federal government.

The goal of this program is to provide low cost training to the many small business owners who cannot afford to pay a consultant thousands of dollars for advice or training on how to prepare themselves to contract with the Federal Government. There are thousands of small businesses in this country that are excellent and efficient. They are primed to provide the goods and services that this nation needs to stay competitive. This program will help prepare them to do just that.

Finally, this legislation will extend the Socially and Economically Disadvantaged Business Program which

expired in 2003. This program provides a price evaluation adjustment for socially and economically disadvantaged businesses as a way of increasing their competitiveness when bidding against larger firms. This is one more tool to increase opportunities for our minority small business owners.

I have outlined several ways that we can create a more positive environment for our minority small business community. These are reasonable steps that we ought to take without delay. Moreover, these are important steps that will help bolster a movement that is already underway. According to U.S. Census data, Hispanics are opening businesses 3 times faster than the national average. Also, business development and entrepreneurship have played a significant role in the expansion of the black middle class in this country for over a century. These business owners are embodying the entrepreneurial spirit that our forefathers carried with them as they established this nation.

With this legislation and in my role as incoming Chair of the Committee on Small Business and Entrepreneurship, I hope to play a part in helping to extend that spirit to the next generation of entrepreneurs. Not only is this vital for our minority communities, but it is vital for America. I urge my colleagues to join with me in support of the Minority Entrepreneurship Development Act of 2007.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 98

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 ''Minority Entrepreneurship Development Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in 2005, the African American unemployment rate was 9.5 percent and the Hispanic American unemployment rate was 6 percent, well above the national average of 4.7 percent;

(2) Hispanics Americans represent 12.5 percent of the United States population and approximately 6 percent of all United States businesses;

(3) African Americans account for 12.3 percent of the population and only 4 percent of all United States businesses;

(4) Native Americans account for approximately 1 percent of the population and .9 percent of all United States businesses;

(5) entrepreneurship has proven to be an effective tool for economic growth and viability of all communities;

(6) minority-owned businesses are a key ingredient for economic development in the community, an effective tool for creating lasting and higher-paying jobs, and a source of wealth in the minority community; and

(7) between 1987 and 1997, revenue from minority-owned firms rose by 22.5 percent, an increase equivalent to an annual growth rate of 10 percent, and employment opportunities within minority-owned firms increased by 23 percent.

SEC. 3. DEFINITIONS.

In this Act—

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

(2) the term ''eligible association or organization'' means an association or organization that—

(A) is—

(i) a national minority business association organized in accordance with section 501(c)(6) of the Internal Revenue Code of 1986; or

(ii) a foundation of national minority business associations organized in accordance with section 501(c)(3) of the Internal Revenue Code of 1986;

(B) has a well established national network of local chapters, or a proven national membership; and

(C) has been in existence for at least the 10-year period before the date of awarding a grant under section 6;

(3) the term ''eligible educational institution'' means an institution that is—

(A) a public or private institution of higher education (including any land-grant college or university, any college or school of business, engineering, commerce, or agriculture, or community college or junior college) or any entity formed by 2 or more institutions of higher education; and

(B) a—

(i) historically Black college;

(ii) Hispanic-serving institution; or

(iii) tribal college;

(4) the term ''historically Black college'' means a part B institution, as that term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

(5) the term ''Hispanic-serving institution'' has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a);

(6) the term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101)

(7) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 532);

(8) the term ''small business development center'' has the meaning given that term in section 21 of the Small Business Act (15 U.S.C. 648); and

(9) the term ''tribal college'' has the same meaning as the term ''tribally controlled college or university'' under section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

SEC. 4. MINORITY SMALL BUSINESS DEVELOPMENT.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 38; and

(2) by inserting after section 36 the following:

''SEC. 37. MINORITY SMALL BUSINESS DEVELOPMENT.

''(a) OFFICE OF MINORITY SMALL BUSINESS DEVELOPMENT.—There is established in the Administration an Office of Minority Small Business Development, which shall be administered by the Associate Administrator for Minority Small Business Development appointed under section 4(b)(1) (in this section referred to as the 'Associate Administrator').

''(b) ASSOCIATE ADMINISTRATOR FOR MINORITY SMALL BUSINESS DEVELOPMENT.—The Associate Administrator shall—

''(1) be—

''(A) an appointee in the Senior Executive Service who is a career appointee; or

''(B) an employee in the competitive service;

''(2) be responsible for the formulation, execution, and promotion of policies and programs of the Administration that provide assistance to small business concerns owned and controlled by minorities;

''(3) act as an ombudsman for full consideration of minorities in all programs of the Administration (including those under section 7(j) and 8(a));

''(4) work with the Associate Deputy Administrator for Capital Access of the Administration to increase the proportion of loans and loan dollars, and investments and investment dollars, going to minorities through the finance programs under this Act and the Small Business Investment Act of 1958 (including subsections (a), (b), and (m) of section 7 of this Act and the programs under title V and parts A and B of title III of the Small Business Investment Act of 1958);

''(5) work with the Associate Deputy Administrator for Entrepreneurial Development of the Administration to increase the proportion of counseling and training that goes to minorities through the entrepreneurial development programs of the Administration;

''(6) work with the Associate Deputy Administrator for Government Contracting and Minority Enterprise Development of the Administration to increase the proportion of contracts, including through the Small Business Innovation Research Program and the Small Business Technology Transfer Program, to minorities;

''(7) work with the partners of the Administration, trade associations, and business groups to identify and carry out policies and procedures to more effectively market the resources of the Administration to minorities;

''(8) work with the Office of Field Operations of the Administration to ensure that district offices and regional offices have adequate staff, funding, and other resources to market the programs of the Administration to meet the objectives described in paragraphs (4) through (7); and

''(9) report to and be responsible directly to the Administrator.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $5,000,000 for fiscal year 2007;

''(2) $5,000,000 for fiscal year 2008; and

''(3) $5,000,000 for fiscal year 2009.''.

(b) CONFORMING AMENDMENTS.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended in the sixth sentence, by striking ''Minority Small Business and Capital Ownership Development'' and all that follows through the end of the sentence and inserting ''Minority Small Business Development.''.

SEC. 5. MINORITY ENTREPRENEURSHIP AND INNOVATION PILOT PROGRAM OF 2007.

(a) IN GENERAL.—The Administrator may make grants to eligible educational institutions—

(1) to assist in establishing an entrepreneurship curriculum for undergraduate or graduate studies; and

(2) for placement of a small business development center on the physical campus of the institution.

(b) USE OF FUNDS.—

(1) CURRICULUM REQUIREMENT.—

(A) IN GENERAL.—An eligible educational institution receiving a grant under this section shall develop a curriculum that includes training in various skill sets needed by successful entrepreneurs, including—

(i) business management and marketing, financial management and accounting, market analysis and competitive analysis, and innovation and strategic planning; and

(ii) additional entrepreneurial skill sets specific to the needs of the student population and the surrounding community, as determined by the institution.

(B) FOCUS.—The focus of the curriculum developed under this paragraph shall be to help students in non-business majors develop the tools necessary to use their area of expertise as entrepreneurs.

(2) SMALL BUSINESS DEVELOPMENT CENTER REQUIREMENT.—Each eligible educational institution receiving a grant under this section shall open a small business development center that—

(A) performs studies, research, and counseling concerning the managing, financing, and operation of small business concerns;

(B) performs management training and provides technical assistance regarding small business concern participation in international markets, export promotion and technology transfer, and the delivery or distribution of such services and information;

(C) offers referral services for entrepreneurs and small business concerns to business development, financing, and legal experts; and

(D) promotes market-specific innovation, niche marketing, capacity building, international trade, and strategic planning as keys to long term growth for its small business concern and entrepreneur clients.

(c) GRANT AWARDS.—

(1) IN GENERAL.—The Administrator may not award a grant under this section to a single eligible educational institution—

(A) in excess of $1,000,000 in any fiscal year; or

(B) for a term of more than 2 years.

(2) LIMITATION ON USE OF FUNDS.—Funds made available under this section may not be used for—

(A) any purpose other than those associated with the direct costs incurred by the eligible educational institution to—

(i) develop and implement the curriculum described in subsection (b)(1); or

(ii) organize and operate a small business development center, as described in subsection (b)(2); or

(B) building expenses, administrative travel budgets, or other expenses not directly related to the costs described in subparagraph (A).

(d) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall not apply to a grant made under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than November 1 of each year in which funds are made available for grants under this section, the Associate Administrator of Entrepreneurial Development of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report evaluating the success of the program under this section during the preceding fiscal year.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) a description of each entrepreneurship program developed with grant funds, the date of the award, and the number of participants in each such program;

(B) the number of small business assisted through the small business development center with grant funds; and

(C) data regarding the economic impact of the small business development center counseling provided with grant funds.

(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section $24,000,000 for each of fiscal years 2007 through 2009, to remain available until expended.

(g) LIMITATION ON USE OF OTHER FUNDS.—The Administrator shall carry out this section only with amounts appropriated in advance specifically to carry out this section.

SEC. 6. MINORITY ACCESS TO INFORMATION DISTANCE LEARNING PILOT PROGRAM OF 2007.

(a) IN GENERAL.—The Administrator may make grants to eligible associations and organizations to—

(1) assist in establishing the technical capacity to provide online or distance learning for businesses seeking to contract with the Federal Government;

(2) develop curriculum for seminars that will provide businesses with the technical expertise to contract with the Federal government; and

(3) provide training and technical expertise through distance learning at low cost, or no cost, to participant business owners and other interested parties.

(b) USE OF FUNDS.—An eligible association or organization receiving a grant under this section shall develop a curriculum that includes training in various areas needed by the owners of small business concerns to successfully contract with the Federal Government, which may include training in accounting, marketing to the Federal Government, applying for Federal certifications, use of offices of small and disadvantaged businesses, procurement conferences, the scope of Federal procurement contracts, and General Services Administration schedules.

(c) GRANT AWARDS.—

(1) IN GENERAL.—The Administrator may not award a grant under this section to a single eligible association or organization—

(A) in excess of $250,000 in any fiscal year; or

(B) for a term of more than 2 years.

(2) LIMITATION ON USE OF FUNDS.—Funds made available under this section may not be used—

(A) for any purpose other than those associated with the direct costs incurred by the eligible association or organization to develop the curriculum described in subsection (b); or

(B) for building expenses, administrative travel budgets, or other expenses not directly related to the costs described in subparagraph (A).

(d) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall not apply to a grant made under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than November 1 of each year, the Associate Administrator of Entrepreneurial Development of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report evaluating the success of the program under this section during the preceding fiscal year.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) a description of each distance learning program developed with grant funds under this section, the date of the award, and the number of participants in each program; and

(B) data regarding the economic impact of the distance learning technical assistance provided with such grant funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2007 through 2009, to remain available until expended.

(g) LIMITATION ON USE OF OTHER FUNDS.—The Administrator shall carry out this section only with amounts appropriated in advance specifically to carry out this section.

SEC. 7. EXTENSION OF SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS PROGRAM.

(a) IN GENERAL.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 30 days after the date of enactment of this Act.

By Mr. KERRY:

S. 99. A bill to amend the Internal Revenue code of 1986 to provide a refundable credit for small business employee health insurance expenses; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Small Business Health Care Tax Credit Act which would provide small businesses with a refundable tax credit to help with the cost of providing employees with health insurance. Recent studies show that certain groups of individuals are less likely to have employer-provided health insurance. The 2006 Kaiser Family Foundation Employer Health Benefits Survey shows that since 2000 the number of firms offering health benefits has declined from 69 percent to 61 percent in 2006. This decline in coverage is more prevalent in small businesses. Only 48 percent of the firms with less than 10 employees offer health insurance whereas, 90 percent of the firms with 50 or more employees offer health benefits. Approximately 32 million Americans work for firms with fewer than 50 employees.

The April 2006 Commonwealth Fund Biennial Health Insurance Survey concluded that 41 percent of working-age Americans with incomes between $20,000 and $40,000 were uninsured for at least part of the past year. This reflects a dramatic increase in this income range, up from 28 percent in 2001. The survey found that of the 48 million American adults who were uninsured in the past year, 67 percent were in families where at least one person worked full time.

My legislation provides a refundable tax credit to small businesses designed to help provide coverage to those who are currently uninsured. Small businesses with less than 50 employees would be eligible to receive a tax credit to help with the cost of health care premiums for employees making more

than $5,000 and less than $50,000 a year. To be eligible for the credit, the employer has to pay at least 50 percent of the health care insurance premium. The credit for businesses with fewer than 10 employees will be capped at 50 percent of the cost of the premium, and the credit amount decreases for larger businesses.

Last year, Leonard Burman, Co-director of the Tax Policy Center, testified before the Senate Finance Committee and suggested a refundable tax credit as an incremental option to help defray higher administrative costs faced by small employers in purchasing health care. This credit will help small businesses afford health care premiums. It is a refundable credit, so that it will help new businesses that do not yet have taxable income be able to offer health care and provide struggling businesses with assistance so that they can offer health care.

This tax credit will cut the cost of health insurance by up to 50 percent for small business owners. It will enable small businesses to provide health insurance for their low- and moderate-income employees. Until we can agree on a comprehensive proposal that will help reduce the cost of health care premiums for small businesses, this legislation provides an appropriate option for increasing health insurance coverage for small businesses and their employees.

I ask for unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 99

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 ''Small Business Health Care Tax Credit Act''.

SEC. 2. CREDIT FOR EMPLOYEE HEALTH INSURANCE EXPENSES.

(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:

''SEC. 45O. EMPLOYEE HEALTH INSURANCE EXPENSES.

''(a) GENERAL RULE.—For purposes of section 38, in the case of a qualified small employer, the employee health insurance expenses credit determined under this section is an amount equal to the applicable percentage of the amount paid by the taxpayer during the taxable year for qualified employee health insurance expenses.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

''(1) 50 percent in the case of an employer with less than 10 qualified employees,

''(2) 25 percent in the case of an employer with more than 9 but less than 25 qualified employees, and

''(3) 20 percent in the case of an employer with more than 24 but less than 50 qualified employees.

''(c) PER EMPLOYEE DOLLAR LIMITATION.—The amount of qualified employee health insurance expenses taken into account under subsection (a) with respect to any qualified employee for any taxable year shall not exceed—

''(1) $4,000 for self-only coverage, and

''(2) $10,000 for family coverage.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED SMALL EMPLOYER.—

''(A) IN GENERAL.—The term 'qualified small employer' means any small employer which—

''(i) provides eligibility for health insurance coverage (after any waiting period (as defined in section 9801(b)(4))) to all qualified employees of the employer, and

''(ii) pays at least 50 percent of the cost of such coverage for each qualified employee.

''(B) SMALL EMPLOYER.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'small employer' means, with respect to any taxable year, any employer if—

''(I) the average gross receipts of such employer for the preceding 3 taxable years does not exceed $5,000,000, and

''(II) such employer employed an average of more than 1 but less than 50 qualified employees on business days during the preceding taxable year.

''(ii) AGGREGATE GROSS ASSETS.—For purposes of clause (i)(I), the term 'aggregate gross assets' shall have meaning given such term by section 1202(d)(2).

''(iii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—For purposes of clause (i)(II)—

''(I) a preceding taxable year may be taken into account only if the employer was in existence throughout such year, and

''(II) in the case of an employer which was not in existence throughout the preceding taxable year, the determination of whether such employer is a qualified small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current taxable year.

''(iv) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as one person for purposes of this subparagraph.

''(v) PREDECESSORS.—The Secretary may prescribe regulations which provide for references in this subparagraph to an employer to be treated as including references to predecessors of such employer.

''(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

''(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid by an employer for health insurance coverage to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

''(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

''(C) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term by section 9832(b)(1).

''(3) QUALIFIED EMPLOYEE.—

''(A) IN GENERAL.—The term 'qualified employee' means an employee of an employer who, with respect to any period, is not provided health insurance coverage under—

''(i) a health plan of the employee's spouse,

''(ii) title XVIII, XIX, or XXI of the Social Security Act,

''(iii) chapter 17 of title 38, United States Code,

''(iv) chapter 55 of title 10, United States Code,

''(v) chapter 89 of title 5, United States Code, or

''(vi) any other provision of law.

''(B) EMPLOYEE.—The term 'employee'—

''(i) means any individual, with respect to any calendar year, who is reasonably expected to receive not more than $50,000 of compensation from the employer during such year,

''(ii) does not include an employee within the meaning of section 401(c)(1), and

''(iii) includes a leased employee within the meaning of section 414(n).

''(C) COMPENSATION.—The term 'compensation' means amounts described in section 6051(a)(3).

''(D) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of a taxable year beginning after 2007, the $50,000 amount in subparagraph (B)(i) 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 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.

''(4) NO QUALIFIED EMPLOYEES EXCLUDED.—Subsection (a) shall not apply to an employer for any period unless at all times during such period health insurance coverage is available to all qualified employees of such employer under similar terms.

''(e) PORTION OF CREDIT MADE REFUNDABLE.—

''(1) IN GENERAL.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

''(A) the credit which would be allowed under subsection (a) without regard to this subsection and the limitation under section 38(c), or

''(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

''(2) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

''(i) section 3111(b), and

''(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

''(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

''(f) DENIAL OF DOUBLE BENEFIT.—No deduction or credit under any other provision of this chapter shall be allowed with respect to qualified employee health insurance expenses taken into account under subsection (a).''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (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:

''(32) the employee health insurance expenses credit determined under section 45O.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 45O. Employee health insurance expenses.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2006.

By Mrs. BOXER:

S. 100. A bill to encourage the health of children in schools by promoting better nutrition and increased physical activity, and for other purposes; to the Committee on Finance.

Mrs. BOXER. Mr. President, today I rise to introduce the Healthy Students Act, a bill that addresses the rising epidemic of childhood obesity.

Over the past 30 years, obesity rates have doubled for teenagers and tripled for children ages 6 to 11. Today, more than 30 percent of children in America are overweight and more than 15 percent are obese. As a result, more children are suffering from traditionally adult diseases—including type 2 diabetes, hypertension and high cholesterol—and putting their health in great danger.

While the reasons for the growing number of obese children problems are complex, the underlying problem is simple. Children are becoming obese because they are eating too much unhealthy food and getting too little exercise.

Vending machines are in too many of our schools. Children today eat five times as much fast food as they did 30 years ago. And the number of students who eat green vegetables ''nearly every day or more'' has dropped to only 30 percent.

Children are getting too little exercise. Nearly 23 percent of children ages 9–13 do not engage in any free-time physical activity during the school day, and nearly 60 percent do not participate in any kind of organized sports or physical activity program outside of school.

Also, the lack of qualified health professionals (school nurses)—compounded with the access to them—is taking an adverse toll on children's health in our public schools. With just one licensed nurse for every 1,155 students, too many children don't have access to a caring health care professional who can diagnose illness, administer medicine, handle emergencies, or treat injuries.

We should ensure that during the school day, children have access to better nutrition and health care, more physical activity, and the skills necessary for a lifetime of good health. And that's what the Healthy Students Act will do.

First, the bill creates a commission of children's health experts to review existing school nutrition guidelines and develop new, healthier standards that provide more fresh fruits and vegetables and eliminate food of minimal nutritional value.

Second, the bill creates a grant program for school nutrition pilot programs that promote alternative healthful food promotion in its curriculum and lunch program.

I have seen firsthand what can be accomplished with such innovative programs. For example in Berkeley, California, the ''Edible Schoolyard'' program is changing the way kids eat and learn about nutrition. Schools in the Edible Schoolyard program maintain an organic garden and integrate the garden into both the curriculum and lunch program. This hands-on approach educates students on healthy eating—from planting, to harvesting, to their plates. By teaching kids about the connection between what they eat and where it comes from, we can help them develop good nutrition habits that will last a lifetime.

Third, the bill creates a ''Healthy Hour'' pilot program that provides funding for an additional hour to the school day either before, after or during school—set aside specifically for physical activity. As more and more schools have cut recess and physical education classes, the bill provides funding for programs that extend physical activity time and highlight the importance of exercise for children in schools across the country.

Fourth, to make sure that children have the equipment they need, the bill provides tax incentives to individuals and businesses to donate exercise and gymnasium equipment to schools and organizations serving students.

And fifth, to address the shortage of qualified health care professionals in schools, the bill creates a tuition loan forgiveness program for those who earn a degree in nursing and make a minimum 3-year commitment to work in a public elementary or secondary school. We are saying to prospective nurses: If you make an investment in helping kids, then we will make an investment in you.

Childhood obesity is a growing epidemic that we must address now. I urge my colleagues to support the Healthy Students Act to ensure that all children have the health they need to achieve their dreams.

By Mr. KERRY:

S. 102. A bill to amend the Internal Revenue Code of 1986 to extend and expand relief from the alternative minimum tax and to repeal the extension of the lower rates for capital gains and dividends for 2009 and 2010; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing legislation which addresses the individual alternative minimum tax (AMT) for 2007. Last Congress, a choice was made to extend lower capital gains and dividends rates that do not expire until the end of 2008 rather than address the AMT for 2007. My preference was to address the AMT for 2007 and I believe we still must take action to prevent taxpayers never intended to pay the AMT from being penalized this year.

I opposed the Tax Increase Prevention and Reconciliation Act of 2005 because it contained the wrong priorities for America leaving behind working families and substantially adding to the deficit. This law extended the lower rates on capital gains and dividends for 2009 and 2010, but only addressed the individual AMT for 2006.

According to the Joint Committee on Taxation, those earning $200,000 or more will receive 84 percent of the benefit of the capital gains tax cut and 63 percent of the benefit of the dividends tax cuts. According to the Congressional Budget Office, 42.8 percent of taxpayers with income between $50,000 and $100,000 will be impacted by the AMT if the AMT is not fixed for 2007 a number that increases to 66 percent by 2010. The Tax Increase Prevention and Reconciliation of Act of 2005 extends a tax cut that does not expire to the end of 2008 with a price tag of $50 billion, but fails to protect the hard working families that will be impacted by the AMT. These families were never intended to be impacted by the AMT, a tax originally designed to prevent a small number of high-income taxpayers from avoiding taxation.

Today, I am introducing legislation that will address the AMT for 2007 and repeal the lower tax rates on capital dividends for 2009 and 2010. To calculate the AMT, individuals add back certain ''preference items'' to their regular tax liability. These include personal exemptions, the standard deduction, and the itemized deduction for state and local taxes. From this amount, taxpayers subtract the AMT exemption amount, commonly referred to as the ''patch'' which reverted to lower levels at the end of 2005. The Tax Increase Prevention and Reconciliation Act of 2005 increased and extended the patch for 2006. The patch was increased in order to hold the same number of taxpayers harmless from the AMT in 2006 as in 2005.

The problem with the AMT is that while the regular tax system is indexed for inflation, the AMT exemption amounts and tax brackets remain constant. This has the perverse consequence of punishing taxpayers for the mere fact their incomes rose due to inflation.

In 2001 Congress opted to provide more tax cuts to those with incomes of over $1 million rather than fix a looming tax problem for the middle class. The Economic Growth and Tax Relief Reconciliation Act of 2001 did include a small adjustment to the AMT, but it was not enough. And we knew then that the number of taxpayers subject to the AMT would continue to rise steadily because the combination of tax cuts and a minor adjustment to the AMT would cause the AMT to explode. We are rapidly approaching this explosion and without immediate action America's middle class will be harmed.

My legislation extends and expands the AMT exemption amount for 2007 to prevent additional taxpayers from being impacted by the AMT. Without increasing and extending the AMT exemption for 2007, an additional 19.5 million taxpayers will be impacted by the AMT in 2007. Large families, with incomes as low as $49,438, will be hurt by the AMT. My legislation will allow nonrefundable personal credits such as the higher education tax credits and the dependent care credit against the AMT for 2007. This legislation is offset by repealing the lower rates on capital gains and dividends.

My colleagues on the other side of the aisle have argued that the extension of the capital gains and dividends benefits is necessary to provide investor certainty. But I believe that the certainty of working families worried about paying the AMT should come first.

About a third of long-term capital gains are reported by taxpayers who are impacted by the AMT and due to the interaction of the AMT, they do not fully benefit from the lower rates. Simply put, taxpayers forced to carry the AMT burden will not benefit from the lower capital gains and dividends rate.

The AMT is a looming problem that is impacting hard-working families and for each year that we fail to address the AMT, it gets worse and more expensive. At a minimum we must address the AMT for 2007. My legislation is not a long-term cure to the AMT crisis, but it will provide certainty for 2007 to hard working families who will be impacted by the AMT just because of where they live and the number of children they have, and it will addresses the AMT in a revenue neutral manner for 2007 as well.

We all agree that the AMT should not be impacting families with incomes below $100,000. My bill fixes the AMT for 2007 in a timely and fiscally responsible manner and gives Congress time to work in a bipartisan manner to find a fiscally responsible permanent solution to the AMT.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 102

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

SECTION 1. EXTENSION AND INCREASE IN MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) IN GENERAL.—Section 55(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$62,550 in the case of taxable years beginning in 2006'' in subparagraph (A) and inserting ''$67,100 in the case of taxable years beginning in 2007'', and

(2) by striking ''$42,500 in the case of taxable years beginning in 2006'' in subparagraph (B) and inserting ''$44,800 in the case of taxable years beginning in 2007''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 2. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2006'' in the heading thereof and inserting ''2007'', and

(2) by striking ''or 2006'' and inserting ''2006, or 2007''.

(b) CONFORMING PROVISIONS.—

(1) Section 30B(g) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2007.—For purposes of any taxable year beginning during 2007, the credit allowed under subsection (a) (after the application of paragraph (1)) shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under subpart A and this subpart (other than this section and section 30C).''.

(2) Section 30C(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2007.—For purposes of any taxable year beginning during 2007, the credit allowed under subsection (a) (after the application of paragraph (1)) shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under subpart A and this subpart (other than this section).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. REPEAL OF EXTENSION OF LOWER RATES FOR CAPITAL GAINS AND DIVIDENDS.

The amendment made by section 102 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

By Mr. KERRY (for himself, Mrs. FEINSTEIN, and Mr. WYDEN):

S. 103. A bill to amend the Internal Revenue Code of 1986 to provide that major oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to Committee on Finance.

Mr. KERRY. Mr. President, today, I am introducing the Restore a Rational Tax Rate on Petroleum Act of 2007. This legislation repeals the manufacturing deduction for big oil and gas companies that was enacted by Congress in 2004. I introduced this legislation in the 109th Congress and Congressman MCDERMOTT introduced companion legislation in the House.

The domestic manufacturing deduction was designed to replace export-related tax benefits that were successfully challenged by the European Union. Producers of oil and gas did not benefit from this tax break. Initial legislation proposed to address the repeal of the export-related tax benefits and to replace them with a new domestic manufacturing deduction. That legislation only provided the deduction to industries that benefited from the export-related tax benefits. However, the final product extended the deduction to include the oil and gas industry as well.

My bill repeals the manufacturing deduction for oil and gas companies because these industries suffered no detriment from the repeal of export-related tax benefits. At a time when oil companies are reporting mind-boggling record profits, there is no reason to reward them with a tax deduction.

Like me, many Members of Congress support a windfall profits tax on big oil and gas companies. Providing this deduction to oil and gas companies actually functions as a reverse windfall profits tax. This deduction lowers the tax rates on the windfall profits that they are currently enjoying. And without Congressional action this benefit will increase: upon enactment, the domestic manufacturing deduction was three percent, but it increased to six percent in 2007 and it is scheduled to increase to nine percent in 2010.

I urge my colleagues to support this legislation. We owe it to the American people to eliminate tax benefits to the oil industry at a time of record profits, record gas prices, and record deficits.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 103

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 ''Restore a Rational Tax Rate on Petroleum Production Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) like many other countries, the United States has long provided export-related benefits under its tax law,

(2) producers and refiners of oil and natural gas were specifically denied the benefits of those export-related tax provisions,

(3) those export-related tax provisions were successfully challenged by the European Union as being inconsistent with our trade agreements,

(4) the Congress responded by repealing the export-related benefits and enacting a substitute benefit that was an effective rate reduction for United States manufacturers,

(5) producers and refiners of oil and natural gas were made eligible for the rate reduction even though they suffered no detriment from repeal of the export-related benefits, and

(6) the decision to provide the effective rate reduction to producers and refiners of oil and natural gas has operated as a reverse windfall profits tax, lowering the tax rate on the windfall profits they are currently enjoying.

SEC. 3. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product thereof during any taxable year described in section 167(h)(A).''.

(b) CONFORMING AMENDMENTS.—Section 199(c)(4) of such Code is amended—

(1) in subparagraph (A)(i)(III) by striking ''electricity, natural gas,'' and inserting ''electricity'', and

(2) in subparagraph (B)(ii) by striking ''electricity, natural gas,'' and inserting ''electricity''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. REID (for Mr. INOUYE):

S. 106. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce legislation to amend the Public Health Service Act for the establishment of a National Center for Social Work Research. Social workers provide a multitude of health care delivery services throughout America to our children, families, the elderly, and persons suffering from various forms of abuse and neglect. The purpose of this center is to support and disseminate information about basic and clinical social work research, and training, with emphasis on service to underserved and rural populations.

While the Federal Government provides funding for various social work research activities through the National Institutes of Health and other Federal agencies, there presently is no coordination or direction of these critical activities and no overall assessment of needs and opportunities for empirical knowledge development. The establishment of a Center for Social Work Research would result in improved behavioral and mental health care outcomes for our nation's children, families, the elderly, and others.

In order to meet the increasing challenges of bringing cost-effective, research-based, quality health care to all Americans, we must recognize the important contributions of social work researchers to health care delivery and the central role that the Center for Social Work can provide in facilitating their work.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 106

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 ''National Center for Social Work Research Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) social workers focus on the improvement of individual and family functioning and the creation of effective health and mental health prevention and treatment interventions in order for individuals to become more productive members of society;

(2) social workers provide front line prevention and treatment services in the areas of school violence, aging, teen pregnancy, child abuse, domestic violence, juvenile crime, and substance abuse, particularly in rural and underserved communities; and

(3) social workers are in a unique position to provide valuable research information on these complex social concerns, taking into account a wide range of social, medical, economic and community influences from an interdisciplinary, family-centered and community-based approach.

SEC. 3. ESTABLISHMENT OF NATIONAL CENTER FOR SOCIAL WORK RESEARCH.

(a) IN GENERAL.—Section 401(a) of the Public Health Service Act (42 U.S.C. 281(a)), as amended by the National Institutes of Health Reform Act of 2006) is amended by adding at the end the following:

''(26) The National Center for Social Work Research.''.

(b) ESTABLISHMENT.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

''Subpart 7—National Center for Social Work Research

''SEC. 485J. PURPOSE OF CENTER.

''The general purpose of the National Center for Social Work Research (referred to in this subpart as the 'Center') is the conduct and support of, and dissemination of targeted research concerning social work methods and outcomes related to problems of significant social concern. The Center shall—

''(1) promote research and training that is designed to inform social work practices, thus increasing the knowledge base which promotes a healthier America; and

''(2) provide policymakers with empirically-based research information to enable such policymakers to better understand complex social issues and make informed funding decisions about service effectiveness and cost efficiency.

''SEC. 485K. SPECIFIC AUTHORITIES.

''(a) IN GENERAL.—To carry out the purpose described in section 485J, the Director of the Center may provide research training and instruction and establish, in the Center and in other nonprofit institutions, research traineeships and fellowships in the study and investigation of the prevention of disease, health promotion, the association of socioeconomic status, gender, ethnicity, age and geographical location and health, the social work care of individuals with, and families of individuals with, acute and chronic illnesses, child abuse, neglect, and youth violence, and child and family care to address problems of significant social concern especially in underserved populations and underserved geographical areas.

''(b) STIPENDS AND ALLOWANCES.—The Director of the Center may provide individuals receiving training and instruction or traineeships or fellowships under subsection (a) with such stipends and allowances (including amounts for travel and subsistence and dependency allowances) as the Director determines necessary.

''(c) GRANTS.—The Director of the Center may make grants to nonprofit institutions to provide training and instruction and traineeships and fellowships under subsection (a).

''SEC. 485L. ADVISORY COUNCIL.

''(a) DUTIES.—

''(1) IN GENERAL.—The Secretary shall establish an advisory council for the Center that shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the Center on matters related to the activities carried out by and through the Center and the policies with respect to such activities.

''(2) GIFTS.—The advisory council for the Center may recommend to the Secretary the acceptance, in accordance with section 231, of conditional gifts for study, investigations, and research and for the acquisition of grounds or construction, equipment, or maintenance of facilities for the Center.

''(3) OTHER DUTIES AND FUNCTIONS.—The advisory council for the Center—

''(A)(i) may make recommendations to the Director of the Center with respect to research to be conducted by the Center;

''(ii) may review applications for grants and cooperative agreements for research or training and recommend for approval applications for projects that demonstrate the probability of making valuable contributions to human knowledge; and

''(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the Center;

''(B) may collect, by correspondence or by personal investigation, information relating to studies that are being carried out in the United States or any other country and, with the approval of the Director of the Center, make such information available through appropriate publications; and

''(C) may appoint subcommittees and convene workshops and conferences.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The advisory council shall be composed of the ex officio members described in paragraph (2) and not more than 18 individuals to be appointed by the Secretary under paragraph (3).

''(2) EX OFFICIO MEMBERS.—The ex officio members of the advisory council shall include—

''(A) the Secretary of Health and Human Services, the Director of NIH, the Director of the Center, the Chief Social Work Officer of the Veterans' Administration, the Assistant Secretary of Defense for Health Affairs, the Associate Director of Prevention Research at the National Institute of Mental Health, the Director of the Division of Epidemiology and Services Research, the Assistant Secretary

of Health and Human Services for the Administration for Children and Families, the Assistant Secretary of Education for the Office of Educational Research and Improvement, the Assistant Secretary of Housing and Urban Development for Community Planning and Development, and the Assistant Attorney General for Office of Justice Programs (or the designees of such officers); and

''(B) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

''(3) APPOINTED MEMBERS.—The Secretary shall appoint not to exceed 18 individuals to the advisory council, of which—

''(A) not more than two-thirds of such individual shall be appointed from among the leading representatives of the health and scientific disciplines (including public health and the behavioral or social sciences) relevant to the activities of the Center, and at least 7 such individuals shall be professional social workers who are recognized experts in the area of clinical practice, education, or research; and

''(B) not more than one-third of such individuals shall be appointed from the general public and shall include leaders in fields of public policy, law, health policy, economics, and management.

The Secretary shall make appointments to the advisory council in such a manner as to ensure that the terms of the members do not all expire in the same year.

''(4) COMPENSATION.—Members of the advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The remaining members shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for an individual at grade GS–18 of the General Schedule.

''(c) TERMS.—

''(1) IN GENERAL.—The term of office of an individual appointed to the advisory council under subsection (b)(3) shall be 4 years, except that any individual appointed to fill a vacancy on the advisory council shall serve for the remainder of the unexpired term. A member may serve after the expiration of the member's term until a successor has been appointed.

''(2) REAPPOINTMENTS.—A member of the advisory council who has been appointed under subsection (b)(3) for a term of 4 years may not be reappointed to the advisory council prior to the expiration of the 2-year period beginning on the date on which the prior term expired.

''(3) VACANCY.—If a vacancy occurs on the advisory council among the members under subsection (b)(3), the Secretary shall make an appointment to fill that vacancy not later than 90 days after the date on which the vacancy occurs.

''(d) CHAIRPERSON.—The chairperson of the advisory council shall be selected by the Secretary from among the members appointed under subsection (b)(3), except that the Secretary may select the Director of the Center to be the chairperson of the advisory council. The term of office of the chairperson shall be 2 years.

''(e) MEETINGS.—The advisory council shall meet at the call of the chairperson or upon the request of the Director of the Center, but not less than 3 times each fiscal year. The location of the meetings of the advisory council shall be subject to the approval of the Director of the Center.

''(f) ADMINISTRATIVE PROVISIONS.—The Director of the Center shall designate a member of the staff of the Center to serve as the executive secretary of the advisory council. The Director of the Center shall make available to the advisory council such staff, information, and other assistance as the council may require to carry out its functions. The Director of the Center shall provide orientation and training for new members of the advisory council to provide such members with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

''(g) COMMENTS AND RECOMMENDATIONS.—The advisory council may prepare, for inclusion in the biennial report under section 485M—

''(1) comments with respect to the activities of the advisory council in the fiscal years for which the report is prepared;

''(2) comments on the progress of the Center in meeting its objectives; and

''(3) recommendations with respect to the future direction and program and policy emphasis of the center.

The advisory council may prepare such additional reports as it may determine appropriate.

''SEC. 485M. BIENNIAL REPORT.

''The Director of the Center, after consultation with the advisory council for the Center, shall prepare for inclusion in the biennial report under section 403, a biennial report that shall consist of a description of the activities of the Center and program policies of the Director of the Center in the fiscal years for which the report is prepared. The Director of the Center may prepare such additional reports as the Director determines appropriate. The Director of the Center shall provide the advisory council of the Center an opportunity for the submission of the written comments described in section 485L(g).

''SEC. 485N. QUARTERLY REPORT.

''The Director of the Center shall prepare and submit to Congress a quarterly report that contains a summary of findings and policy implications derived from research conducted or supported through the Center.''.

By Mr. REID (for Mr. INOUYE):

S. 107. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise to introduce legislation today to modify Title VII of the U.S. Public Health Service Act in order to provide students enrolled in graduate psychology programs with the opportunity to participate in various health professions loan programs.

Providing students enrolled in graduate psychology programs with eligibility for financial assistance in the form of loans, loan guarantees, and scholarships will facilitate a much-needed infusion of behavioral science expertise into our community of public health providers. There is a growing recognition of the valuable contribution being made by psychologists toward solving some of our Nation's most distressing problems.

The participation of students from all backgrounds and clinical disciplines is vital to the success of health care training. The Title VII programs play a significant role in providing financial support for the recruitment of minorities, women, and individuals from economically disadvantaged backgrounds. Minority therapists have an advantage in the provision of critical services to minority populations because often they can communicate with clients in their own language and cultural framework. Minority therapists are more likely to work in community settings where ethnic minority and economically disadvantaged individuals are most likely to seek care. It is critical that continued support be provided for the training of individuals who provide health care services to underserved communities.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 107

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 ''Strengthen the Public Health Service Act''.

SEC. 2. PARTICIPATION IN VARIOUS HEALTH PROFESSIONS LOAN PROGRAMS.

(a) LOAN AGREEMENTS.—Section 721 of the Public Health Service Act (42 U.S.C. 292q) is amended—

(1) in subsection (a), by inserting '', or any public or nonprofit school that offers a graduate program in professional psychology'' after ''veterinary medicine'';

(2) in subsection (b)(4), by inserting '', or to a graduate degree in professional psychology'' after ''or doctor of veterinary medicine or an equivalent degree''; and

(3) in subsection (c)(1), by inserting '', or schools that offer graduate programs in professional psychology'' after ''veterinary medicine''.

(b) LOAN PROVISIONS.—Section 722 of the Public Health Service Act (42 U.S.C. 292r) is amended—

(1) in subsection (b)(1), by inserting '', or to a graduate degree in professional psychology'' after ''or doctor of veterinary medicine or an equivalent degree'';

(2) in subsection (c), in the matter preceding paragraph (1), by inserting '', or at a school that offers a graduate program in professional psychology'' after ''veterinary medicine''; and

(3) in subsection (k)—

(A) in the matter preceding paragraph (1), by striking ''or podiatry'' and inserting ''podiatry, or professional psychology''; and

(B) in paragraph (4), by striking ''or podiatric medicine'' and inserting ''podiatric medicine, or professional psychology''.

SEC. 3. GENERAL PROVISIONS.

(a) HEALTH PROFESSIONS DATA.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by striking ''clinical'' and inserting ''professional''.

(b) PROHIBITION AGAINST DISCRIMINATION ON BASIS OF SEX.—Section 794 of the Public Health Service Act (42 U.S.C. 295m) is amended in the matter preceding paragraph (1) by striking ''clinical'' and inserting ''professional''.

(c) DEFINITIONS.—Section 799B(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) is amended by striking ''clinical'' each place the term appears and inserting ''professional''.

By Mr. REID (for Mr. INOUYE):

S. 108. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I am introducing legislation today to amend Title VII of the Public Health Service Act to establish a psychology post-doctoral program. Psychologists have made a unique contribution in reaching out to the Nation's medically underserved populations. Expertise in behavioral science is useful in addressing grave concerns such as violence, addiction, mental illness, adolescent and child behavioral disorders, and family disruption. Establishment of a psychology post-doctoral program could be an effective way to find solutions to these issues.

Similar programs supporting additional, specialized training in traditionally underserved settings have been successful in retaining participants to serve the same populations. For example, mental health professionals who have participated in these specialized federally funded programs have tended not only to meet their repayment obligations, but have continued to work in the public sector or with the underserved.

While a doctorate in psychology provides broad-based knowledge and mastery in a wide variety of clinical skills, specialized post-doctoral fellowship programs help to develop particular diagnostic and treatment skills required to respond effectively to underserved populations. For example, what appears to be poor academic motivation in a child recently relocated from Southeast Asia might actually reflect a cultural value of reserve rather than a disinterest in academic learning. Specialized assessment skills enable the clinician to initiate effective treatment.

Domestic violence poses a significant public health problem and is not just a problem for the criminal justice system. Violence against women results in thousands of hospitalizations a year. Rates of child and spouse abuse in rural areas are particularly high, as are the rates of alcohol abuse and depression in adolescents. A post-doctoral fellowship program in the psychology of the rural populations could be of special benefit in addressing these problems.

Given the demonstrated success and effectiveness of specialized training programs, it is incumbent upon us to encourage participation in post-doctoral fellowships that respond to the needs of the nation's underserved.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 108

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 ''Psychologists in the Service of the Public Act of 2007''.

SEC. 2. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

Part C of title VII of the Public Health Service Act (42 D.S.C. 293k et seq.) is amended by adding at the end the following:

SEC. 749. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

''(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provision of psychological training and services in underserved treatment areas.

''(b) ELIGIBLE ENTITIES.—

''(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

'' (A) has received a doctoral degree through a graduate program in psychology provided by an accredited institution at the time such grant is awarded;

''(B) will provide services to a medically underserved population during the period of such grant;

''(C) will comply with the provisions of subsection (c); and

''(D) will provide any other information or assurances as the Secretary determines appropriate.

''(2) INSTITUTIONS.—In order to receIve a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

''(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

''(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowships to qualified individuals who meet the requirements of subparagraphs (A) through (0) of paragraph (1);

''(C) will not use more than 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

''(D) will provide any other information or assurances as the Secretary determines appropriate.

''(c) CONTINUED PROVISION OF SERVICES.—Any in,dividual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for not less than 1 year after the term of the grant or fellowship has expired.

''(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that define the terms 'medically underserved areas' and 'medically underserved populations'.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2008 through 2010.''.

By Mr. REID (for Mr. INOUYE):

S. 109. A bill to recognize the organization known as the National Academics of Practice; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I am introducing legislation that would provide a Federal charter for the National Academies of Practice. This organization represents outstanding health care professionals who have made significant contributions to the practice of applied psychology, medicine, dentistry, nursing, optometry, osteopathic medicine, pharmacy, podiatry, social work, and veterinary medicine. When fully established, each of the ten academies will possess 150 distinguished practitioners selected by their peers. This umbrella organization will be able to provide the Congress of the United States and the executive branch with considerable health policy expertise, especially from the perspective of those individuals who are in the forefront of actually providing health care.

As we continue to grapple with the many complex issues surrounding the delivery of health care services, it is clearly in our best interest to ensure that the Congress has direct and immediate access to the recommendations of an interdisciplinary body of health care practitioners.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 109

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 ''National Academies of Practice Recognition Act of 2007''.

SEC. 2. CHARTER.

The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a Federal charter.

SEC. 3. CORPORATE POWERS.

The National Academies of Practice (referred to in this Act as the ''corporation'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 4. OBJECTIVES AND PURPOSES OF THE CORPORATION.

The objectives and purposes for which the corporation is organized shall be provided for in the articles of incorporation and shall include the following:

(1) Honoring persons who have made significant contributions to the practice of applied dentistry, medicine, nursing, optometry, osteopathy, pharmacy, podiatry, psychology, social work, veterinary medicine, and other health care professions.

(2) Improving the effectiveness of such professions by disseminating information about new techniques and procedures, promoting interdisciplinary practices, and stimulating multidisciplinary exchange of scientific and professional information.

(3) Upon request, advising the President, the members of the President's Cabinet, Congress, Federal agencies, and other relevant groups about practitioner issues in health care and health care policy, from a multidisciplinary perspective.

SEC. 5. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 6. MEMBERSHIP.

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

SEC. 7. BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES.

The composition and the responsibilities of the board of directors of the corporation shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 8. OFFICERS OF THE CORPORATION.

The officers of the corporation and the election of such officers shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 9. RESTRICTIONS.

(a) USE OF INCOME AND ASSETS.—No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of the charter under this Act. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) POLITICAL ACTIVITY.—The corporation, any officer, or any director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) CLAIMS OF FEDERAL APPROVAL.—The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) FEDERAL ADVISORY ACTIVITIES.—While providing advice to Federal agencies, the corporation shall be subject to the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 stat. 700).

SEC. 10. LIABILITY.

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 11. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

(d) APPLICATION OF STATE LAW.—Nothing in this section shall be construed to contravene any applicable State law.

SEC. 12. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 14. DEFINITION.

In this Act, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 15. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 or any corresponding similar provision.

SEC. 16. TERMINATION.

If the corporation fails to comply with any of the restrictions or provisions of this Act the charter granted by this Act shall terminate.

By Mr. REID (for Mr. INOUYE):

S. 110. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I introduce legislation to amend Title 18 of the United States Code to allow our Nation's clinical social workers to use their mental health expertise on behalf of the Federal judiciary by conducting psychological and psychiatric exams.

I feel that the time has come to allow our Nation's judicial system to have access to a wide range of behavioral science and mental health expertise. I am confident that the enactment of this legislation would be very much in our Nation's best interest.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 110

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 ''Psychiatric and Psychological Examinations Act of 2007''.

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS.

Section 4247(b) of title 18, United States Code, is amended, in the first sentence, by striking ''psychiatrist or psychologist'' and inserting ''psychiatrist, psychologist, or clinical social worker''.

By Mr. REID (for Mr. INOUYE):

S. 111. A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an establishment within the Uniformed Services University of the Health Sciences, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, Today I introduce the United States Military Cancer Institute Research Collaborative Act. This legislation, twice passed by the Senate yet unsuccessful in the House, would formally establish the United States Military Cancer Institute, USMCI, and support the collaborative augmentation of research efforts in cancer epidemiology, prevention and control. Although the USMCI already exists as an informal collaborative effort, this bill will formally establish the institution with a mission of providing for the maintenance of health in the military by enhancing cancer research and treatment, and studying the epidemiological causes of cancer among various ethnic groups. By formally establishing the USMCI, it will be in a better position to unite military research efforts with other cancer research centers.

Cancer prevention, early detection, and treatment are significant issues for the military population, thus the USMCI was organized to coordinate the existing military cancer assets. The USMCI has a comprehensive database of its beneficiary population of 9 million people. The military's nationwide tumor registry, the Automated Central Tumor Registry, has acquired more than 180,000 cases in the last 14 years, and a serum repository of 30 million specimens from military personnel collected sequentially since 1987. This population is predominantly Caucasian, African-American, and Hispanic.

The USMCI currently resides in the Washington, D.C., area, and its components are located at the National Naval Medical Center, the Malcolm Grow Medical Center, the Armed Forces Institute of Pathology, and the Armed Forces Radiobiology Research Institute. There are more than 70 research workers, both active duty and Department of Defense civilian scientists, working in the USMCI.

The Director of the USMCI, Dr. John Potter, intends to expand research activities to military medical centers

across the nation. Special emphasis will be placed on the study of genetic and environmental factors in carcinogenesis among the entire population, including Asian, Caucasian, African-American and Hispanic subpopulations.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 111

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

SECTION 1. THE UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2117. United States Military Cancer Institute

''(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

''(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

''(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

''(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

''(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

''(B) The prevention and early detection of cancer.

''(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

''(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

''(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

''(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

''(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2117. United States Military Cancer Institute.''.

By Mr. REID (for Mr. INOUYE):

S. 112. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Native Hawaiian Medicaid Coverage Act of 2004. This legislation would authorize a Federal Medicaid Assistance Percent, FMAP, of 100 percent for the payment of health care costs of Native Hawaiians who receive health care from Federally Qualified Health Centers or the Native Hawaiian Health Care System.

This bill was originally a provision within the Medicare Prescription Drug Bill, which the Senate passed by an overwhelming majority of 76 to 21, but was dropped from the final Medicare Prescription Drug Conference Report.

This bill is modeled on the Native Alaskan Health Care Act, which provides for a Federal Medicaid Assistance Percent, FMAP, of 100 percent for payment of health care costs for Native Alaskans by the Indian Health Service, an Indian tribe, or a tribal organization.

Community health centers serve as the ''safety net'' for uninsured and medically underserved Native Hawaiians and other United States citizens, providing comprehensive primary and preventive health services to the entire community. Outpatient services offered to the entire family include comprehensive primary care, preventive health maintenance, and education outreach in the local community. Community health centers, with their multi-disciplinary approach, offer cost effective integration of health promotion and wellness with chronic disease management and primary care focused on serving vulnerable populations.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 112

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 ''Native Hawaiian Medicaid Coverage Act of 2007''.

SEC. 2. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE PROVIDED TO A NATIVE HAWAIIAN THROUGH A FEDERALLY-QUALIFIED HEALTH CENTER OR A NATIVE HAWAIIAN HEALTH CARE SYSTEM UNDER THE MEDICAID PROGRAM.

(a) MEDICAID.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting '', and with respect to medical assistance provided to a Native Hawaiian (as defined in section 12 of the Native Hawaiian Health Care Improvement Act) through a federally-qualified health center or a Native Hawaiian health care system (as so defined) whether directly, by referral, or under contract or other arrangement between a federally-qualified health center or a Native Hawaiian health care system and another health care provider'' before the period.

(b) EFFECTIVE DATE.—The amendment made by this section applies to medical assistance provided on or after the date of enactment of this Act.

By Mr. OBAMA (for himself and Ms. SNOWE):

S. 117. A bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes; to the Committee on Veterans' Affairs.

Mr. OBAMA. Mr. President, I rise today to introduce legislation that is significant both in the problems it seeks to address and the man it seeks to honor.

Since the day he arrived in Congress more than two decades ago, Lane Evans was a tireless advocate for the men and women with whom he served. When Vietnam vets started falling ill from Agent Orange, he led the effort to get them compensation. Lane was one of the first in Congress to speak out about the health problems facing Persian Gulf War veterans. He worked to help veterans suffering from Post-Traumatic Stress Disorder, and he also helped make sure thousands of homeless veterans in our country have a place to sleep. Lane Evans fought these battles for more than 20 years, and even in the face of his own debilitating disease, he kept fighting. Today, veterans across America have Lane Evans to thank for reminding this country of its duty to take care of those who have risked their lives to defend ours.

I am very proud today to introduce the Lane Evans Veterans Healthcare and Benefits Improvement Act of 2007. This bill honors a legislator who left behind an enduring legacy of service to our veterans. The legislation also is an important step towards caring for our men and women who are currently fighting for us.

I am being joined today by Senator OLYMPIA SNOWE, the lead cosponsor of this bill. Senator SNOWE has long been an advocate for veterans in her state, and I have been honored to work with her in the past on veterans issues. We have fought to reduce the backlog of disability claims at the Veterans Benefits Administration and to improve the military's ability to identify and treat Traumatic Brain Injury. Our introduction of the Lane Evans Bill is a continuation of these efforts.

Today, more than 1.5 million American troops have been deployed overseas as part of the Global War on Terror. These brave men and women who protected us are beginning to return

home. Six hundred thousand people who served in Iraq and Afghanistan are now veterans, and more than 185,000 have already received treatment at the VA. That number is increasing every day. Many of these fighting men and women are coming home with major injuries. As a country, we are only beginning to understand the true costs of the Global War on Terror.

The Government Accountability Office reported that VA has faced $3 billion in budget shortfalls since 2005 because it underestimated the costs of caring for Iraq and Afghanistan veterans. The VA wasn't getting the information it needed from the Pentagon and was relying on outdated data and incorrect forecasting models. We cannot let these kind of bureaucratic blunders get in the way of the care and support we owe our servicemembers.

To avoid these costly shortfalls in the future, we have to do a better job keeping track of veterans. That's why the first thing the Lane Evans Act does is to establish a system to track Global War on Terror veterans. The VA established a similar data system following the Persian Gulf War. That effort has been invaluable in budget planning as well as in monitoring emerging health trends and diseases linked to the Gulf War. The Gulf War Veterans Information System also has been important to medical research and improved care for veterans. The sooner we begin keeping accurate track of our fighting men and women in Iraq, Afghanistan and beyond, the better and more efficiently we will be able to care for them.

The Lane Evans Act also tackles Post-Traumatic Stress Disorder. Mental health patients account for about one-third of the new veterans seeking care at the VA. The VA's National Center for PTSD reports that ''the wars in Afghanistan and Iraq are the most sustained combat operations since the Vietnam War, and initial signs imply that these ongoing wars are likely to produce a new generation of veterans with chronic mental health problems.''

This bill addresses PTSD in two ways. First, it extends the window during which new veterans can automatically get care for mental health from two years to five years. Right now, any servicemember discharged from the military has up to two years to walk into a VA facility and get care, no questions asked. After that, vets have to prove that they are disabled because of a service-connected injury, or they have to prove their income is below threshold levels. Unfortunately, it can take years for symptoms of PTSD to manifest. The time it takes to prove service-connection for mental health illness is valuable time lost during which veterans are not receiving critically needed treatment. The Lane Evans Act allows veterans to walk into a VA facility any time five years after discharge and get assessed for mental health care. This both extends the window and shortens the wait for vets to get care.

Second, the legislation makes face-to-face physical and mental health screening mandatory 30 to 90 days after a soldier is deployed in a war zone. This will ensure that our fighting force is ready for battle, and that we can identify and treat those at risk for PTSD. By making the exams mandatory, we can help eliminate the stigma associated with mental health screening and treatment.

Another problem veterans face is that the VA and DoD do not effectively share medical and military records. Older veterans often have to wait years for their benefits as the Department of Defense recovers aging and lost paper records. Under the Lane Evans Act, the Department of Defense would provide each separating service member at the time of discharge with a secure full electronic copy of all military and medical records to help them apply for healthcare and benefits. DoD possesses the technology to do this now. The information could be useful to VA to quickly and accurately document receipt of vaccinations or deployment to a war zone. The electronic data will also be helpful in future generations when family members of veterans seek information about military service, awards, and wartime deployment that go well beyond the existing single-sheet DD–214 discharge certificate, which is all veterans currently receive.

Finally, the legislation improves the transition assistance that National Guardsmen and military reservists receive when they return from deployment. A 2005 GAO report found that because demobilization for guardsmen and reservists is accelerated, reserve units get abbreviated and perfunctory transition assistance including limited employment training. VA should provide equal briefings and transition services for all service members regarding VA healthcare, disability compensation, and other benefits, regardless of their duty status.

Lane Evans dedicated his life to serving this country and serving veterans. The legislation Senator SNOWE and I are introducing today, honors both the man and his mission, and will continue his legacy to the next generation of American veterans.

Ms. SNOWE. Mr. President, I rise today as a proud cosponsor of S. 3988, the Lane Evans Veterans Healthcare and Benefits Improvement Act of 2007. After serving with Lane Evans in the House of Representatives for over a decade, I am honored to help introduce legislation that serves as a fitting tribute to a man whose unfaltering efforts on behalf of our nation's veterans went unmatched.

I also applaud Senator OBAMA for introducing this vital legislation at a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan. In the past, Senator OBAMA and I have worked in a bipartisan manner to bolster the military's ability to detect and treat traumatic brain injury, and most recently, we have fought to reduce the backlog of claims at the Veterans Benefits Administration, VBA. Once again, I thank Senator OBAMA for his continuing resoluteness and advocacy for our veterans.

Since the beginning of conflicts in Iraq and Afghanistan, nearly 1.5 million brave Americans have deployed overseas to take part in the global war on terror. Of those 1.5 million Americans, at least 184,400 have already received medical treatment from the Department of Veterans Affairs, VA. It is time the VA and the Department of Defense, DOD, have the capability to provide incoming veterans with timely and efficient medical treatment and postdeployment services. For too long now, provision of these critical services has been hampered by a lack of resources and policy restructuring.

In 2005, the Government Accountability Office revealed that the VA faced a budget shortfall of $3 billion, due to the agency's inability to correctly gauge the benefits for Iraq and Afghanistan veterans. As a result of spending shortfalls, the VA was forced to dip into contingency funds that could have compromised the funding for other vital veterans programs. In order to remedy these unacceptable deficiencies within the veterans' benefit system, this legislation will significantly enhance the ability of the DOD and the VA to accurately track veterans of Iraq and Afghanistan, by creating a data registry that will hold a comprehensive list of VA health care and benefits use. I remind my colleagues that a similar data system was established in 1998 for Gulf War I Veterans, and has been invaluable in assessing the necessary budgetary planning for our injured veterans from that conflict.

However, not all combat wounds are caused by bullets and shrapnel. Several studies have indicated that due to the nature of warfare in Iraq—with its intense urban fighting, terrorism and civilian combat—may cause a spike in the prevalence of post traumatic stress disorder, PTSD. According to the Veterans' Health Administration, as of October 2006, of the 184,524 Operation Enduring Freedom and Operation Iraqi Freedom veterans who have sought care from the VA, 29,041 have been diagnosed as having probable symptoms of PTSD.

I strongly believe that we have a commitment to ensure that veterans with PTSD receive compassionate, world-class health care and appropriate disability compensation determinations. It is imperative that we do all we can to detect, diagnose, and treat our

veterans suffering from PTSD as quickly as possible, in order to help our veterans and their families move beyond the psychological trauma of war and lead healthy, productive lives.

This legislation's proposed data registry will further assist the VA with ongoing medical research into mental health, traumatic brain injury, and many other conditions. This legislation will also require the Department of Defense to conduct in-person physical and mental health exams with every service member 30 to 90 days after deployment to war zone, in order to ensure that potential cases of PTSD are identified and treated in a timely manner. By making the exams mandatory, the stigma associated with mental health screening and treatment can be eliminated. Additionally, multiple deployments to combat zones may factor into a higher susceptibility to PTSD, stressing the necessity for mental screening prior to redeployment, in order to ensure that no servicemember experiencing symptoms of PTSD is returned to duty without treatment. If the VA and the DOD continues its current mental health screening policy, nondisclosures of PTSD symptoms will continue to deter early intervention and future VA mental health services.

This legislation addresses the difficulties associated with PTSD symptoms that develop over prolonged periods of time. Currently, the window for new veterans to obtain health care at the VA is 2 years. However, in many circumstances, it takes years for PTSD symptoms and other problems related to mental health to emerge. Therefore, this legislation will extend the window for VA mental health care from 2 years to 5 years, ensuring the necessary mental health treatment for all veterans who are struggling to recover from the traumas of war.

Further, this legislation will take large steps towards improving the transfer of military and medical records in order for veterans to receive the health care and benefits they deserve. This bill requires DOD to provide each separating service member a full electronic copy of all military and medical records at the time of discharge. By facilitating the enhanced use of electronic records, veterans will be assured the proper access and management of their required care. Currently, a lack of swift access to military records and medical records has hampered the VA's ability to treat veterans in need of care in a timely and effective manner.

According to a December 2006 GAO report, while verifying veterans claims of PTSD, regional VA offices are unable to directly access and search an electronic library of medical and service records for all service branches, and therefore, must rely on a DOD research organization, whose average response time to regional office requests is nearly 1 year. Clearly, such a processing delay is not only inexcusable, it is potentially harmful to the veteran and his or her family. Increased access to electronic records will allow the VA to quickly identify the occurrence of stressful events or experiences that may lead to the necessary treatment for PTSD.

Finally, this legislation will also require the VA to provide equal briefings and transition services for all service members regarding VA health care, disability compensation, and other benefits, regardless of status. Often times, guardsmen and reservists receive limited transition assistance and employment training, largely due to their accelerated demobilization. Thus, this legislation will provide equitable and fair transition services for all returning veterans, regardless of their service branch, component or military status.

I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our nation holds for its veterans is enormous, and it is an obligation that must be fulfilled every day. Since the attacks of September 11, millions of brave American men and women have answered our nation's call to service. Congress must now do everything in its power to answer our veterans' call, to ensure that they receive the medical care and treatment that they rightly earned and rightly deserve.

Once again, I am pleased to join Senator OBAMA in introducing S. 988, because I believe it is crucial to the welfare of our Nation's veterans, and I urge my colleagues to voice their support.

By Mr. LEAHY (for himself and Mr. PRYOR):

S. 118. A bill to give investigators and prosecutors the tools they need to combat public corruption; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator PRYOR to introduce the ''Effective Corruption Prosecutions Act of 2007,'' a bill to strengthen the tools available to Federal prosecutors in combating public corruption. This bill gives investigators and prosecutors the statutory tools and the resources they need to ensure that serious and insidious public corruption is detected and punished.

In November, voters sent a strong message that they were tired of the culture of corruption. From war profiteers and corrupt officials in Iraq to convicted Administration officials to influence-peddling lobbyists and, regrettably, even Members of Congress, too many supposed public servants were serving their own interests, rather than the public interest. The American people staged an intervention and made it clear that they would not stand for it any longer. They expect the Congress to take action. We need to restore the people's trust by acting to clean up the people's government.

The Senate's new leadership is introducing important lobbying reform and ethics legislation. Similar legislation passed the Senate last year, but stalled in the House. This is a vital first step.

But the most serious corruption cannot be prevented only by changing our own rules. Bribery and extortion are committed by people bent on getting around the rules and banking that they won't get caught. These offenses are very difficult to detect and even harder to prove. Because they attack the core of our democracy, these offenses must be found out and punished. Congress must send a signal that it will not tolerate this corruption by providing better tools for federal prosecutors to combat it. This bill will do exactly that.

First, the bill extends the statute of limitations for the most serious public corruption offenses. Specifically, it extends the statute of limitations from five years to eight years for bribery, deprivation of honest services, and extortion by a public official. This is an important step because public corruption cases are among the most difficult and time-consuming cases to investigate and prosecute. They often require use of informants and electronic monitoring, as well as review of extensive financial and electronic records, techniques which take time to develop and implement.

Bank fraud, arson, and passport fraud, among other offenses, all have 10-year statutes of limitations. Since public corruption offenses are so important to our democracy and these cases are so difficult to investigate and prove, a more modest extended statute of limitations for these offenses is a reasonable step to help our corruption investigators and prosecutors do their jobs. Corrupt officials should not be able to get away with their ill gotten gains just by waiting out the investigators.

This bill also facilitates the investigation and prosecution of an important offense known as Federal program bribery, Title 18, United States Code, section 666. Federal program bribery is the key Federal statute for prosecuting bribery involving state and local officials, as well as officials of the many organizations that receive substantial Federal money. This bill would allow agents and prosecutors investigating this important offense to request authority to conduct wiretaps and to use Federal program bribery as a basis for a racketeering charge.

Wiretaps, when appropriately requested and authorized, are an important method for agents and prosecutors to gain evidence of corrupt activities, which can otherwise be next to impossible to prove without an informant.

The Racketeer Influenced and Corrupt Organizations (RICO) statute is also an important tool which helps prosecutors target organized crime and corruption.

Agents and prosecutors may currently request authority to conduct wiretaps to investigate many serious offenses, including bribery of federal officials and even sports bribery, and may predicate RICO charges on these offenses, as well. It is only reasonable that these important tools also be available for investigating the similar and equally important offense of federal program bribery.

Lastly, my bill authorizes $25 million in additional Federal funds over each of the next four years to give federal investigators and prosecutors needed resources to go after public corruption. Last month, FBI Director Mueller in written testimony to the Judiciary Committee called public corruption the FBI's top criminal investigative priority. However, a September 2005 Report by Department of Justice Inspector General Fine found that, from 2000 to 2004, there was an overall reduction in public corruption matters handled by the FBI. The report also found declines in resources dedicated to investigating public corruption, in corruption cases initiated, and in cases forwarded to US Attorney's Offices.

I am heartened by Director Mueller's assertion that there has recently been an increase in the number of agents investigating public corruption cases and the number of cases investigated, but I remain concerned by the Inspector General's findings. I am concerned because the FBI in recent years has diverted resources away from criminal law priorities, including corruption, into counterterrorism. The FBI may need to divert further resources to cover the growing costs of Sentinel, their data management system. The Department of Justice has similarly diverted resources, particularly from United States Attorney's Offices.

Additional funding is important to compensate for this diversion of resources and to ensure that corruption offenses are aggressively pursued. My bill will give the FBI, the United States Attorney's Offices, and the Public Integrity Section of the Department of Justice new resources to hire additional public corruption investigators and prosecutors. They can finally have the manpower they need to track down and make these difficult cases, and to root out the corruption.

If we are serious about addressing the egregious misconduct that we have recently witnessed, Congress must enact meaningful legislation to give investigators and prosecutors the resources they need to enforce our public corruption laws. I strongly urge Congress to do more to restore the public's trust in their government.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 118

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 ''Effective Corruption Prosecutions Act of 2007''.

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3299. Corruption offenses

''Unless an indictment is returned or the information is filed against a person within 8 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

''(1) section 201 or 666;

''(2) section 1341, 1343, or 1346, if the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

''(3) section 1951, if the offense involves extortion under color of official right;

''(4) section 1952, to the extent that the unlawful activity involves bribery; or

''(5) section 1963, to the extent that the racketeering activity involves bribery chargeable under State law, or involves a violation of section 201 or 666.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3299. Corruption offenses.''.

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed more than 5 years before the date of enactment of this Act.

SEC. 3. INCLUSION OF FEDERAL PROGRAM BRIBERY AS A PREDICATE FOR INTERCEPTION OF WIRE, ORAL OR ELECTRONIC COMMUNICATIONS AND AS A PREDICATE FOR A RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS OFFENSE.

(a) IN GENERAL.—Section 2516(c) of title 18, United States Code, is amended by adding after ''section 224 (bribery in sporting contests),'' the following: ''section 666 (theft or bribery concerning programs receiving Federal funds),''.

(b) IN GENERAL.—Section 1961 of title 18, United States Code, is amended by adding after ''section 664 (relating to embezzlement from pension and welfare funds),'' the following: ''section 666 (relating to theft or bribery concerning programs receiving Federal funds),''.

SEC. 4. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE PUBLIC CORRUPTION OFFENSES.

There are authorized to be appropriated to the Department of Justice, including the United States Attorneys' Offices, the Federal Bureau of Investigation, and the Public Integrity Section of the Criminal Division, $25,000,000 for each of the fiscal years 2008, 2009, 2010, and 2011, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 654, 666, 1001, 1341, 1343, 1346, and 1951 of title 18, United States Code.

By Mr. LEAHY (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. DORGAN, Mr. SCHUMER, Mr. WYDEN, Ms. CANTWELL, Mrs. CLINTON, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. 119. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am reintroducing a bill that creates criminal penalties for war profiteers and cheats who would exploit taxpayer-funded efforts in Iraq and elsewhere around the world. Last year, despite the mounting evidence of widespread contractor fraud and abuse in Iraq, the Republican-controlled Senate would not act on it. Instead, the Congress took a terrible misstep in seeking to end the work of the Special Inspector General for Iraq Reconstruction. I have been proposing versions of this bill since 2003, when it did pass the Senate. Unfortunately, this crucial provision was stripped out of the final version of a bill by a Republican-controlled conference committee.

There is growing evidence of widespread contractor fraud in Iraq, yet prosecuting criminal cases against these war profiteers is difficult under current law. We must crack down on this rampant fraud and abuse that squanders American taxpayers' dollars and jeopardizes the safety of our troops abroad. That is why I renew my efforts for accountability and action with the introduction of the War Profiteering Prevention Act of 2007. I am pleased to join with Senators BINGAMAN, KERRY, HARKIN, ROCKEFELLER, DORGAN, WYDEN, SCHUMER, CANTWELL, BILL NELSON, CLINTON, LAUTENBERG and MENENDEZ to introduce this legislation.

Congress has sent billions upon billions of dollars to Iraq with too little accountability and too few financial controls. More than $50 billion of this money has gone to private contractors hired to guard bases, drive trucks, feed and shelter the troops and rebuild the country. This is more than the annual budget of the Department of Homeland Security.

Instead of results from these companies, we are seeing penalties levied for allegations of fraud and abuse. At least 10 companies with billions of dollars in U.S. contracts for Iraq reconstruction have paid more than $300 million in penalties since 2000, to resolve allegations of bid rigging, fraud, delivery of faulty military parts and environmental damage. Seven other companies with Iraq reconstruction contracts have agreed to pay financial penalties without admitting wrongdoing.

In 2005, Halliburton took in approximately $3.6 billion from contracts to serve U.S. troops and rebuild the oil industry in Iraq. Halliburton executives say that the company received about $1

billion a month for Iraq work in 2006. In addition, last month, we learned of new plans to spend hundreds of millions more to create jobs in Iraq.

Last year, the Special Inspector General for Iraq Reconstruction found that millions of U.S. taxpayer funds appropriated for Iraq reconstruction have been lost and diverted. Yet we continue to send more taxpayer funds to Iraq, without accountability.

Too much of this money is unaccounted for, and many of the facilities and services that these funds were supposed to pay for are still nonexistent. We in Congress must ask—where did all the money go? We need to press for more accountability over the use and abuse of billions of taxpayers' dollars sent as development aid to Iraq, not less.

A new law to combat war profiteering in Iraq and elsewhere is sorely needed and long overdue. Although there are anti-fraud laws to protect against the waste of U.S. tax dollars at home, no law expressly prohibits war profiteering or expressly confers jurisdiction on U.S. federal courts to hear fraud cases involving war profiteering committed overseas.

The bill I introduced today would criminalize ''war profiteering''—overcharging taxpayers in order to defraud and to profit excessively from a war, military action, or reconstruction efforts. It would also prohibit any fraud against the United States involving a contract for the provision of goods or services in connection with a war, military action, or for relief or reconstruction activities. This new crime would be a felony, subject to criminal penalties of up to 20 years in prison and fines of up to $1 million, or twice the illegal gross profits of the crime.

The bill also prohibits false statements connected with the provision of goods or services in connection with a war or reconstruction effort. This crime would also be a felony, subject to criminal penalties of up to 10 years in prison and fines of up to $1 million, or twice the illegal gross profits of the crime.

The measure also addresses weakness in the existing laws used to combat war profiteering, by providing clear authority for the Government to seek criminal penalties and to recover excessive profits for war profiteering overseas. These are strong and focused sanctions that are narrowly tailored to punish and deter fraud or excessive profiteering in contracts, both at home and abroad.

The message sent by this bill is clear—any act to exploit the crisis situation in Iraq or elsewhere overseas for exorbitant gain is unacceptable, reprehensible, and criminal. Such deceit demeans and exploits the sacrifices that our military personnel are making in Iraq and Afghanistan, and around the world. This bill also builds on a strong legacy of historical efforts to stem war profiteering. Congress implemented excessive-profits taxes and contract renegotiation laws after both World Wars, and again after the Korean War. Advocating exactly such an approach, President Roosevelt once declared it our duty to ensure that ''a few do not gain from the sacrifices of the many.''

Our Government cannot in good faith ask its people to sacrifice for reconstruction efforts that allow some to profit unfairly. When U.S. taxpayers have been called upon to bear the burden of reconstruction contracts—where contracts are awarded in a system that offers little competition and even less accountability—concerns about wartime profiteering are a grave matter.

Combating war profiteering is not a Democratic issue, or a Republican issue. Rather, it is a cause that all Americans can support. When I first introduced this bill in 2003, it came to be cosponsored by 21 Senators. The Senate Appropriations Committee also unanimously accepted these provisions during a Senate Appropriations Committee markup of the $87 billion appropriations bill for Iraq and Afghanistan for Fiscal Year 2004, and this provision passed the Senate. Passing bipartisan war profiteering prevention legislation was the right thing to do then, and it is the right thing to do now.

I am hopeful that in a new year, and with a new Congress, we can make a fresh start and forge a bipartisan partnership on this important issue that will result in passage of this bill. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 119

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 ''War Profiteering Prevention Act of 2007''.

SEC. 2. PROHIBITION OF PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war, military action, or relief or reconstruction activities within the jurisdiction of the United States Government, knowingly and willfully—

''(A)(i) executes or attempts to execute a scheme or artifice to defraud the United States; or

''(ii) materially overvalues any good or service with the specific intent to defraud and excessively profit from the war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both; or

''(B)(i) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(ii) makes any materially false, fictitious, or fraudulent statements or representations; or

''(iii) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry;

shall be fined under paragraph (2) imprisoned not more than 10 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts.''.

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1039,'' after ''1032,''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1039''.

(d) RICO.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: '', section 1039 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)'' after ''liquidating agent of financial institution),''.

By Mr. BAUCUS (for himself and Mr. COLEMAN):

S. 122. A bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased today to introduce the Trade Adjustment Assistance Improvement Act of 2007 with my good friend and colleague, Senator NORM COLEMAN.

In 2006, the United States passed, signed or concluded no fewer than five new free trade agreements. This June, the President's authority to negotiate trade agreements will expire. Congress should extend the President's authority to negotiate these deals. But when we do, we must raise the bar higher than before. Each deal must surpass the last, in order to take advantage of and adjust to changes in the global marketplace that affect American businesses and workers.

Congress will consider these agreements on their merits. In most cases, these deals will mean more access for

American producers and service providers. In some few cases, these agreements could mean more and fiercer competition for producers and providers here at home.

Competition is the engine that drives market economies like ours. It spawns innovation and creates new jobs. But just as jobs are created in new sectors of our economy, jobs are also lost in other sectors which experience sudden or unfair competition from abroad.

Whether and how effectively we help those firms and workers who feel the negative effects of our national trade policy will, in large part, determine whether and how effectively we can move a trade agenda forward this year.

During the last several Congresses, we have experienced unprecedented change in the global marketplace and in our labor market at home. I have worked to raise the bar on our efforts to help workers affected by these changes. Today, I propose again, more urgently than ever, that Congress and the administration work together to adapt our national worker adjustment strategies to the challenges of globalization. The Trade Adjustment Assistance Improvement Act is a first and necessary step in that direction.

The Trade Adjustment Assistance Improvement Act includes many proposals that Congress should consider before the program expires this September. The Act extends coverage to more of the workers who are affected by trade and globalization. And the Act will improve the overall efficiency and effectiveness of the program.

For more than a century, the manufacturing sector drove the American economy. So, when President Kennedy decided to open the American economy to more trade, he established the Trade Adjustment Assistance program to help workers in the manufacturing sector adjust to change.

Today, our economy depends upon service exports. More than 75 percent of the American labor force work in services. While many service sector jobs cannot be outsourced, technology change makes it possible to provide many services remotely, in such fields as accounting, healthcare, and computers and information technology. So when a large call center left Kalispell, Montana, three years ago for Canada, the Montana workers left behind did not have access to the same benefits that workers laid off from the Columbia Falls Aluminum manufacturing plant did. They should have.

Last year, the Department of Labor agreed, for the first time ever, that workers who produce software, an intangible product, should be eligible for Trade Adjustment Assistance. That was a step in the right direction. We should take the next step this year. We should finally extend coverage to American service workers. That is what my bill proposes.

Trade Adjustment Assistance certification takes place on a case-by-case, plant-by-plant basis. This means that while two factories producing the same products may both experience foreign competition that leads to layoffs, often only one of those factories' laid off workers gets certified as eligible for the program.

Consider the softwood lumber industry. At least 12 out of 35 Trade Adjustment Assistance petitions filed by workers in Montana's softwood lumber industry over the last 7 years were denied by the Department of Labor. Yet, all of these mills were similarly affected by the same market conditions—dumped and subsidized Canadian imports. The International Trade Commission found that Canadian imports injured or threatened to injury the softwood lumber industry on a national scale.

But the Department of Labor's certification process does not take into account the bigger—and often more meaningful—picture. It simply relies on data provided by individual companies that lay off the workers to make its case-by-case determination.

The legislation that I introduce today makes industry-wide certification automatic for workers anywhere in the United States if the President, the International Trade Commission, or another qualified Federal agency determines that imports are harming that industry. My bill also authorizes, but does not require, the Secretary of Labor to make industry-wide determinations if she receives three or more petitions in one industry within one 6-month period, or if the Senate Finance Committee and the House Ways and Means Committee pass a resolution requesting such an investigation.

We can anticipate and in some cases even prevent displacements by renewing and expanding our commitment to small and medium-sized American companies looking to recapture their competitive edge. One key, yet small program that can help prevent displacements and shifts in production to overseas is the TAA for Firms program in the Department of Commerce. The Firms program reaches out to companies that have experienced decreasing sales or production due to import competition and have laid off or expect to lay off workers.

This program is chronically underfunded, and it should also be available to service sector firms. This bill would authorize $50 million for this program to reach more small- and medium-sized businesses across the nation before they are forced to lay off their American workers and close their doors.

This bill also moves the Firms program from the Economic Development Administration at Commerce back into the International Trade Administration. That's where it was previously. And frankly that's where it ought to have remained. Despite the Firms program's proven track record, proposals related to the program under the Economic Development Administration have sought to either defund the program altogether, or to limit eligibility by increasing the profit-loss margin required for participation and arbitrary termination of firms after 2 years. The Firms program is a trade program and should be administered by an agency whose primary mission is to help American companies to adjust to and benefit from trade.

In 2002, with the passage of the Trade Adjustment Assistance Reform Act, I had great expectations for our first wage insurance demonstration project. In theory, wage insurance—or Alternative Trade Adjustment Assistance—encourages swift re-entry into the workforce by replacing a portion of a worker's lost wages when a worker accepts a lower paying job within 6 months of a layoff. Workers who choose wage insurance over traditional Trade Adjustment Assistance training and income assistance often have less access to good training or simply cannot afford to be out of work during their training. Wage insurance provides an incentive for employers to hire lower-skilled and older workers and train them on the job.

In practice, I have been disappointed with the Department of Labor's implementation of the wage insurance proposal that we crafted in 2002. In a 2004 review by the Government Accountability Office, the Department of Labor's implementation of the benefit came up far short of the mark. Last year, the Government Accountability Office once again found that the Department needed to improve its implementation, focusing specifically on its outreach to and direction of state employment service offices.

I hope to work with the Department of Labor on strategies that will improve its outreach. Wage insurance can help put people back to work, and can even save money over traditional Trade Adjustment Assistance. But it cannot do either of those things if no one knows about the benefit.

This bill streamlines the process to qualify for wage insurance, and lowers the eligible age from 50 to 40. Wage replacement should be available to younger workers who would re-enter the workforce more quickly if they could afford the often steep wage cut.

Another key component of the Trade Adjustment Assistance Reform Act was the health care tax credit to help displaced workers and some retirees maintain access to health insurance coverage. As health costs grow, losing health insurance can be as financially devastating to workers as losing a job. While I still believe that the TAA health care tax credit holds promise, this is clearly an area where reforms are needed to help the credit achieve its purpose.

Today, the TAA health care tax credit helps only a fraction of the hundreds of thousands eligible for assistance. In its first 2 years, less than 6 percent of eligible workers and retirees enrolled. A GAO report released last year studying five major plant closings in 2003 and 2004 found that only 3 to 12 percent of eligible workers enrolled. More than half of the workers studied didn't sign up for the tax credit because the 65 percent subsidy was too low to make health coverage affordable.

The tax credit also suffers from complexity and administrative red tape. More than half of eligible workers in GAO's recent study didn't even know about the benefit. About a third of workers who knew about the benefit decided not to enroll because it was too confusing. Even those who understand it have to navigate complex rules and requirements to get the benefit.

We need to make this program simpler, more affordable, and more seamless so that more workers can take it up in the years ahead. We need to improve the information that workers and retirees get about the program and create systems to ensure that they get it. We need to cut down on the red tape. And we need to look at options to make this benefit more affordable so that we can truly reach the hundreds of thousands eligible for this benefit that Congress intended to help when we enacted these reforms 4 years ago. I plan to introduce a bill later in the year that will achieve these goals for reforming the health care tax credit and will look forward to working with Senator Coleman and other colleagues in this effort.

The forces of globalization, like trade and technology change, have created tremendous opportunities for American businesses and workers, from cutting the cost of living to increasing the margin of profit. Trade accounts for a quarter of our gross domestic product. The adjustments we have made to maximize trade's benefits save the average American household $9,000 annually.

But we must also make adjustments to respond to the challenges that come with globalization. American businesses in the 21st century face rapidly-changing consumer preferences and ever-swifter technological advances. Global competition is fierce. Innovation is the key to these companies' continued prosperity.

The same holds true for American workers. They know that they must adjust to changes in the labor market if they are to maintain their place in it. Workers must be prepared for one or more career shifts before retirement. They must acquire more skills, and refresh their skills more often.

We can help American companies adapt, and regain their competitive edge in the global marketplace. We can help more trade-displaced workers get back into the workforce. We should help these workers adapt not only to trade displacement, but to all the other aspects of globalization as well.

American workers and the companies that employ them must each continually adjust to a changing world marketplace. So too should our worker adjustment strategies.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 122

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 ''Trade Adjustment Assistance Improvement Act of 2007''.

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

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR SERVICES SECTOR

SEC. 101. SHORT TITLE.

This title may be cited as the ''Trade Adjustment Assistance Equity for Service Workers Act of 2007''.

SEC. 102. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.

(a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking ''firm)'' and inserting ''firm, and workers in a service sector firm or subdivision of a service sector firm, or public agency)''.

(b) GROUP ELIGIBILITY REQUIREMENTS; SERVICE WORKERS; SHIFTS IN PRODUCTION.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''agricultural firm)'' and inserting ''agricultural firm, and workers in a service sector firm or subdivision of a service sector firm, or public agency)'';

(B) in paragraph (1), by inserting ''or public agency'' after ''of the firm''; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking ''like or directly competitive with articles produced'' and inserting ''or services like or directly competitive with articles produced or services provided'';

(ii) by striking subparagraph (B) and inserting the following:

''(B)(i) there has been a shift, by such workers' firm, subdivision, or public agency to a foreign country, of production of articles, or in provision of services, like or directly competitive with articles which are produced, or services which are provided by such firm, subdivision, or public agency; or

''(ii) such workers' firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''agricultural firm)'' and inserting ''agricultural firm, and workers in a service sector firm or subdivision of a service sector firm, or public agency)'';

(B) in paragraph (2), by inserting ''or service'' after ''related to the article''; and

(C) in paragraph (3)(A), by inserting ''or services'' after ''component parts'';

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by inserting ''or services'' after ''value-added production processes'';

(ii) by striking ''or finishing'' and inserting '', finishing, or testing'';

(iii) by inserting ''or services'' after ''for articles'';

(iv) by inserting ''(or subdivision)'' after ''such other firm''; and

(v) by striking '', if the certification of eligibility'' and all that follows to the end period; and

(B) in paragraph (4)—

(i) by striking ''for articles'' and inserting '', or services, used in the production of articles or in the provision of services''; and

(ii) by inserting ''(or subdivision)'' after ''such other firm''; and

(4) by adding at the end the following new subsection:

''(d) BASIS FOR SECRETARY'S DETERMINATIONS.—

''(1) INCREASED IMPORTS.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive articles or services exist if the workers' firm or subdivision or customers of the workers' firm or subdivision accounting for not less than 20 percent of the sales of the workers' firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

''(2) OBTAINING SERVICES ABROAD.—For purposes of subsection (a)(2)(B)(ii), the Secretary may determine that the workers' firm, subdivision, or public agency has obtained or is likely to obtain like or directly

competitive services from a foreign country based on a certification thereof from the workers' firm, subdivision, or public agency.

''(3) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.''.

(c) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting ''or public agency'' after ''of a firm''; and

(B) by inserting ''or public agency'' after ''or subdivision'';

(2) in paragraph (2)(B), by inserting ''or public agency'' after ''the firm'';

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

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

''(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.

''(8) The term 'service sector firm' means an entity engaged in the business of providing services.''.

SEC. 103. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES.

(a) FIRMS.—

(1) ASSISTANCE.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(A) in subsection (a), by inserting ''or service sector firm'' after ''(including any agricultural firm'';

(B) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting ''or service sector firm'' after ''any agricultural firm'';

(ii) in subparagraph (B)(ii), by inserting ''or service'' after ''of an article''; and

(iii) in subparagraph (C), by striking ''articles like or directly competitive with articles which are produced'' and inserting ''articles or services like or directly competitive with articles or services which are produced or provided''; and

(C) by adding at the end the following:

''(e) BASIS FOR SECRETARY DETERMINATION.—

''(1) INCREASED IMPORTS.—For purposes of subsection (c)(1)(C), the Secretary may determine that increases of imports of like or directly competitive articles or services exist if customers accounting for not less than 20 percent of the sales of the workers' firm certify to the Secretary that they are obtaining such articles or services from a foreign country.

''(2) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraph (1) through questionnaires or in such other manner as the Secretary determines is appropriate. The Secretary may exercise the authority under section 249 in carrying out this subsection.''.

(2) DEFINITION.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(A) by striking ''For purposes of'' and inserting ''(a) FIRM.—For purposes of''; and

(B) by adding at the end the following:

''(b) SERVICE SECTOR FIRM.—For purposes of this chapter, the term 'service sector firm' means a firm engaged in the business of providing services.''.

(b) INDUSTRIES.—Section 265(a) of the Trade Act of 1974 (19 U.S.C. 2355(a)) is amended by inserting ''or service'' after ''new product''.

(c) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended by striking ''subpena'' and inserting ''subpoena'' each place it appears in the heading and the text.

(2) TABLE OF CONTENTS.—The table of contents for the Trade Act of 1974 is amended by striking ''Subpena'' in the item relating to section 249 and inserting ''Subpoena''.

SEC. 104. MONITORING AND REPORTING.

Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the first sentence—

(A) by striking ''The Secretary'' and inserting ''(a) MONITORING PROGRAMS.—The Secretary'';

(B) by inserting ''and services'' after ''imports of articles'';

(C) by inserting ''and domestic provision of services'' after ''domestic production'';

(D) by inserting ''or providing services'' after ''producing articles''; and

(E) by inserting '', or provision of services,'' after ''changes in production''; and

(2) by adding at the end the following:

''(b) COLLECTION OF DATA AND REPORTS ON SERVICE SECTOR.—

''(1) SECRETARY OF LABOR.—Not later than 3 months after the date of the enactment of the Trade Adjustment Assistance Improvement Act of 2007, the Secretary of Labor shall implement a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation of each worker.

''(2) SECRETARY OF COMMERCE.—Not later than 180 days after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and report to the Congress on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms obtaining services from firms in foreign countries.''.

SEC. 105. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR INDUSTRIES

SEC. 201. OTHER METHODS OF REQUESTING INVESTIGATION.

Section 221 of the Trade Act of 1974 (19 U.S.C. 2271) is amended—

(1) by adding at the end the following:

''(c) OTHER METHODS OF INITIATING A PETITION.—Upon the request of the President or the United States Trade Representative, or the resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, the Secretary shall promptly initiate an investigation under this chapter to determine the eligibility for adjustment assistance of—

''(1) a group of workers (which may include workers from more than one facility or employer); or

''(2) all workers in an occupation as that occupation is defined in the Bureau of Labor Statistics Standard Occupational Classification System.'';

(2) in subsection (a)(2), by inserting ''or a request or resolution filed under subsection (c),'' after ''paragraph (1),''; and

(3) in subsection (a)(3), by inserting '', request, or resolution'' after ''petition'' each place it appears.

SEC. 202. NOTIFICATION.

Section 2243 of the Trade Act of 1974 (19 U.S.C. 2274) is amended to read as follows:

''SEC. 224. NOTIFICATIONS REGARDING AFFIRMATIVE DETERMINATIONS AND SAFEGUARDS.

''(a) NOTIFICATIONS REGARDING CHAPTER 1 INVESTIGATIONS AND DETERMINATIONS.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately—

''(1) notify the Secretary of Labor of that finding; and

''(2) in the case of a finding with respect to an agricultural commodity, as defined in section 291, notify the Secretary of Agriculture of that finding.

''(b) NOTIFICATION REGARDING BILATERAL SAFEGUARDS.—The International Trade Commission shall immediately notify the Secretary of Labor and, in an investigation with respect to an agricultural commodity, the Secretary of Agriculture, whenever the Commission makes an affirmative determination pursuant to one of the following provisions:

''(1) Section 421 of the Trade Act of 1974 (19 U.S.C. 2451).

''(2) Section 312 of the United States-Australia Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(3) Section 312 of the United States-Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(4) Section 312 of the United States-Singapore Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(5) Section 312 of the United States-Chile Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(6) Section 302(b) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3352(b)).

''(7) Section 212 of the United States-Jordan Free Trade Agreement Implementation Act (19 U.S.C. 2112).

''(8) Section 312 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (19 U.S.C. 4062).

''(9) Section 312 of the United States-Bahrain Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(10) Section 312 of the United States-Oman Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(c) AGRICULTURAL SAFEGUARDS.—The Commissioner of Customs shall immediately notify the Secretary of Labor and, in the case of an agricultural commodity, the Secretary of Agriculture, whenever the Commissioner of Customs assesses additional duties on a product pursuant to one of the following provisions:

''(1) Section 202 of the United States-Australia Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(2) Section 202 of the United States-Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(3) Section 201(c) of the United States-Chile Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(4) Section 309 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3358).

''(5) Section 301(a) of the United States-Canada Free Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note).

''(6) Section 404 of the United States-Israel Free Trade Agreement Implementation Act (19 U.S.C. 2112 note).

''(7) Section 202 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (19 U.S.C. 4032).

''(d) TEXTILE SAFEGUARDS.—The President shall immediately notify the Secretary of Labor whenever the President makes a positive determination pursuant to one of the following provisions:

''(1) Section 322 of the United States-Australia Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(2) Section 322 of the United States-Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(3) Section 322 of the United States-Chile Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(4) Section 322 of the United States-Singapore Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(5) Section 322 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (19 U.S.C. 4082).

''(6) Section 322 of the United States-Bahrain Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(7) Section 322 of the United States-Oman Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(e) ANTIDUMPING AND COUNTERVAILING DUTIES.—Whenever the International Trade Commission makes a final affirmative determination pursuant to section 705 or section 735 of the Tariff Act of 1930 (19 U.S.C. 1671d or 1673d), the Commission shall immediately notify the Secretary of Labor and, in the case of an agricultural commodity, the Secretary of Agriculture, of that determination.''.

SEC. 203. INDUSTRY-WIDE DETERMINATION.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended by adding at the end the following:

''(e) INVESTIGATION REGARDING INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a request or a resolution under section 221(c) on behalf of workers in a domestic industry or occupation (described in section 221(c)(2)) or receives 3 or more petitions under section 221(a) within a 180-day period on behalf of groups of workers in a domestic industry or occupation, the Secretary shall make an industry-wide determination under subsection (a) of this section with respect to the domestic industry or occupation in which the workers are or were employed. If the Secretary does not make a determination and issue a certification under the preceding sentence, the Secretary shall make a determination of eligibility under subsection (a) with respect to each group of workers in that domestic industry or occupation from which a petition was received.''.

SEC. 204. COORDINATION WITH OTHER TRADE PROVISIONS.

(a) INDUSTRY-WIDE CERTIFICATION BASED ON GLOBAL SAFEGUARDS.—

(1) RECOMMENDATIONS BY ITC.—

(A) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking '', including the provision of trade adjustment assistance under chapter 2''.

(B) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2253(a)(3)(D)) is amended by striking '', including the provision of trade adjustment assistance under chapter 2''.

(2) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2253(a)(1)(A)) is amended to read as follows:

''(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

''(i) the President shall take all appropriate and feasible action within his power; and

''(ii)(I) the Secretary of Labor shall certify as eligible to apply for adjustment assistance under section 223 workers employed in the domestic industry defined by the Commission if such workers become totally or partially separated, or are threatened to become totally or partially separated, not earlier than 1 year before, or not later than 1 year after, the date on which the Commission made its report to the President under section 202(f); and

''(II) in the case of a finding with respect to an agricultural commodity as defined in section 291, the Secretary of Agriculture shall certify as eligible to apply for adjustment assistance under section 293 agricultural commodity producers employed in the domestic production of the agricultural commodity that is the subject of the finding during the most recent marketing year.''.

(b) INDUSTRY-WIDE CERTIFICATION BASED ON BILATERAL SAFEGUARD PROVISIONS OR ANTIDUMPING OR COUNTERVAILING DUTY ORDERS.—

(1) IN GENERAL.—Subchapter A of chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) is amended by inserting after section 224 the following new section:

''SEC. 224A. INDUSTRY-WIDE CERTIFICATION WHERE BILATERAL SAFEGUARD PROVISIONS INVOKED OR ANTIDUMPING OR COUNTERVAILING DUTIES IMPOSED.

''(a) IN GENERAL.—

''(1) MANDATORY CERTIFICATION.—Not later than 10 days after the date on which the Secretary of Labor receives a notification with respect to the imposition of a trade remedy, safeguard determination, or antidumping or countervailing duty determination under section 224 (a), (b), (c), (d), or (e), the Secretary shall certify as eligible for trade adjustment assistance under section 223(a) workers employed in the domestic production of the article that is the subject of the trade remedy, safeguard determination, or antidumping or countervailing duty determination, as the case may be, if such workers become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the applicable date.

''(2) APPLICABLE DATE.—In this section, the term 'applicable date' means—

''(A) the date on which the affirmative or positive determination or finding is made in the case of a notification under section 224 (a), (b), or (d);

''(B) the date on which a final determination is made in the case of a notification under section 224(e); or

''(C) the date on which additional duties are assessed in the case of a notification under section 224(c).

''(b) QUALIFYING REQUIREMENTS FOR WORKERS.—The provisions of subchapter B shall apply in the case of a worker covered by a certification under this section or section 223(e), except as follows:

''(1) Section 231(a)(5)(A)(ii) shall be applied—

''(A) by substituting '30th week' for '26th week' in subclause (I); and

''(B) by substituting '26th week' for '20th week' in subclause (II).

''(2) The provisions of section 236(a)(1) (A) and (B) shall not apply.''.

(2) AGRICULTURAL COMMODITY PRODUCERS.—Chapter 6 of title II of the Trade Act of 1974 (19 U.S.C. 2401 et seq.) is amended by striking section 294 and inserting the following:

''SEC. 294. INDUSTRY-WIDE CERTIFICATION FOR AGRICULTURAL COMMODITY PRODUCERS WHERE SAFEGUARD PROVISIONS INVOKED OR ANTIDUMPING OR COUNTERVAILING DUTIES IMPOSED.

''(a) IN GENERAL.—Not later than 10 days after the date on which the Secretary of Agriculture receives a notification with respect to the imposition of a trade remedy, safeguard determination, or antidumping or countervailing duty determination under section 224 (b), (c), or (e), the Secretary shall certify as eligible for trade adjustment assistance under section 293(a) agricultural commodity producers employed in the domestic production of the agricultural commodity that is the subject of the trade remedy, safeguard determination, or antidumping or countervailing duty determination, as the case may be, during the most recent marketing year.

''(b) APPLICABLE DATE.—In this section, the term 'applicable date' means—

''(1) the date on which the affirmative or positive determination or finding is made in the case of a notification under section 224(b);

''(2) the date on which a final determination is made in the case of a notification under section 224(e); or

''(3) the date on which additional duties are assessed in the case of a notification under section 224(c).''.

(c) TECHNICAL AMENDMENTS.—The table of contents for title II of the Trade Act of 1974 is amended—

(1) by striking the item relating to section 224 and inserting the following:

''Sec. 224. Notifications regarding affirmative determinations and safeguards.'';

(2) by inserting after the item relating to section 224, the following:

''Sec. 224A. Industry-wide certification based on bilateral safeguard provisions invoked or antidumping or countervailing duties imposed.'';

and

(3) by striking the item relating to section 294, and inserting the following:

''Sec. 294. Industry-wide certification for agricultural commodity producers where safeguard provisions invoked or antidumping or countervailing duties imposed.''.

SEC. 205. REGULATIONS.

The Secretary of the Treasury, the Secretaries of Agriculture and Labor, and the International Trade Commission may promulgate such regulations as may be necessary to carry out the amendments made by this title.

TITLE III—OTHER TRADE ADJUSTMENT ASSISTANCE MATTERS

Subtitle A—Trade Adjustment Assistance

SEC. 301. CALCULATION OF SEPARATION TOLLED DURING LITIGATION.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended by adding at the end the following:

''(h) SPECIAL RULE FOR CALCULATING SEPARATION.—Notwithstanding any other provision of this chapter, any period during which a judicial or administrative appeal is pending with respect to the denial by the Secretary of a petition under section 223 shall not be counted for purposes of calculating the period of separation under subsection (a)(2) and an adversely affected worker that would otherwise be entitled to a trade readjustment allowance shall not be denied such allowance because of such appeal.''.

SEC. 302. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE ADVISOR.

(a) IN GENERAL.—Subchapter A of chapter 2 of title II of the Trade Act of 1974 is amended by inserting after section 221, the following new section:

''SEC. 221A. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE ADVISOR.

''(a) IN GENERAL.—There is established in the Department of Labor an office to be known as the 'Office of Trade Adjustment Assistance Advisor' (in this section referred to as the 'Office'). The Office shall be headed by a Director, who shall be responsible for providing assistance and advice to any person or entity described in section 221(a)(1) desiring to file a petition for certification of eligibility under section 221.

''(b) TECHNICAL ASSISTANCE.—The Director shall coordinate with each agency responsible for providing adjustment assistance under this chapter or chapter 6 (including the Office of Trade Adjustment Assistance established under section 255A) and shall provide technical and legal assistance and advice to enable persons or entities described in section 221(a)(1) to prepare and file petitions for certification under section 221.''.

(b) TECHNICAL AMENDMENT.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the item relating to section 221, the following:

''Sec. 221A. Establishment of Office of Trade Adjustment Assistance Advisor.''.

SEC. 303. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following:

''SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

''(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of the Trade Adjustment Assistance Improvement Act of 2007, there shall be established in the International Trade Administration of the Department of Commerce an Office of Trade Adjustment Assistance (in this section referred to as the 'Office').

''(b) FUNCTIONS.—The Office shall assist the Secretary of Commerce in carrying out the Secretary's responsibilities under this chapter.

''(c) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities of the Secretary of Commerce described in this chapter.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255, the following:

''Sec. 255A. Office of Trade Adjustment Assistance.''.

SEC. 304. CERTIFICATION OF SUBMISSIONS.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), as amended by section 203, is amended by adding at the end the following:

''(f) CERTIFICATION OF SUBMISSIONS.—If an employer submits a petition on behalf of a group of workers pursuant to section 221(a)(1) or if the Secretary requests evidence or information from an employer in order to make a determination under this section, the accuracy and completeness of any evidence or information submitted by the employer shall be certified by the employer's legal counsel or by an officer of the employer.''.

SEC. 305. WAGE INSURANCE.

(a) IN GENERAL.—Section 246(a)(3) of the Trade Act of 1974 (19 U.S.C. 2318(a)(3)) is amended to read as follows:

''(3) ELIGIBILITY.—A worker in a group that the Secretary has certified as eligible to apply for adjustment assistance under section 223 may elect to receive benefits under the alternative trade adjustment assistance program if the worker—

''(A) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;

''(B) is at least 40 years of age;

''(C) earns not more than $50,000 a year in wages from reemployment;

''(D) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

''(E) does not return to the employment from which the worker was separated.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraphs (A) and (B) of section 246(a)(2) of the Trade Act of 1974 (19 U.S.C. 2318(a)(2)) are amended by striking ''paragraph (3)(B)'' and inserting ''paragraph (3)'' each place it appears.

(2) Section 246(b)(2) of such Act is amended by striking ''subsection (a)(3)(B)'' and inserting ''subsection (a)(3)''.

(c) EXTENSION.—Section 246(b)(1) of such Act is amended by striking ''5 years'' and inserting ''10 years''.

SEC. 306. TRAINING.

(a) MODIFICATION OF ENROLLMENT DEADLINES.—Section 231(a)(5)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2291(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking ''16th week'' and inserting ''26th week''; and

(2) in subclause (II), by striking ''8th week'' and inserting ''20th week''.

(b) EXTENSION OF ALLOWANCE TO ACCOMMODATE TRAINING.—Section 233 of the Trade Act of 1974 (19 U.S.C. 2293), as amended by section 301, is amended by adding at the end the following:

''(i) EXTENSION OF ALLOWANCE.—Notwithstanding any other provision of this section, a trade readjustment allowance may be paid to a worker for a number of additional weeks equal to the number of weeks the worker's enrollment in training was delayed beyond the deadline applicable under section 231(a)(5)(A)(ii) pursuant to a waiver granted under section 231(c)(1)(E).''.

(c) FUNDING FOR TRAINING.—Section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

(1) in paragraph (1) by striking ''Upon such approval'' and all that follows to the end; and

(2) by amending paragraph (2) to read as follows:

''(2)(A) Upon approval of a training program under paragraph (l), and subject to the limitations imposed by this section, an adversely affected worker covered by a certification issued under section 223 shall be eligible to have payment of the costs of that training, including any costs of an approved training program incurred by a worker before a certification was issued under section 223, made on behalf of the worker by the Secretary directly or through a voucher system.

''(B) Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Improvement Act of 2007, the Secretary shall develop, and submit to Congress for approval, a formula that provides workers with an individual entitlement for training costs to be administered pursuant to sections 239 and 240. The formula shall take into account—

''(i) the number of workers enrolled in trade adjustment assistance;

''(ii) the duration of the assistance;

''(iii) the anticipated training costs for workers; and

''(iv) any other factors the Secretary deems appropriate.

''(C) Until such time as Congress approves the formula, the total amount of payments that may be made under subparagraph (A) for any fiscal year shall not exceed 50 percent of the amount of trade readjustment allowances paid to workers during that fiscal year.''.

(d) APPROVED TRAINING PROGRAMS.—

(1) IN GENERAL.—Section 236(a)(5) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)) is amended—

(A) by striking ''and'' at the end of subparagraph (E);

(B) by redesignating subparagraph (F) as subparagraph (H); and

(C) by inserting after subparagraph (E) the following:

''(F) integrated workforce training;

''(G) entrepreneurial training; and''.

(2) DEFINITION.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended by 102(c), is amended by adding at the end the following:

''(19) The term 'integrated workforce training' means training that integrates occupational skills training with English language acquisition.''.

SEC. 307. FUNDING FOR ADMINISTRATIVE COSTS.

Section 241 of the Trade Act of 1974 (19 U.S.C. 2313) is amended by adding at the end the following:

''(d) Funds provided by the Secretary to a State to cover administrative costs associated with the performance of a State's responsibilities under section 239 shall be sufficient to cover all costs of the State associated with operating the trade adjustment assistance program, including case worker costs.''.

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''2007'' and inserting ''2012''.

(b) FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by inserting ''and $50,000,000 for each of fiscal years 2008 through 2012,'' after ''fiscal years 2003 through 2007,''.

(c) TERMINATION.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(d) FARMERS.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking ''2007'' and inserting ''2012''.

Subtitle B—Data Collection

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''Trade Adjustment Assistance Accountability Act''.

SEC. 312. DATA COLLECTION; INFORMATION TO WORKERS.

(a) DATA COLLECTION.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 is amended by inserting after section 249, the following new section:

''SEC. 250. DATA COLLECTION; REPORT.

''(a) DATA COLLECTION.—The Secretary shall, pursuant to regulations prescribed by the Secretary, collect any data necessary to meet the requirements of this chapter. The Secretary shall collect and publish, on an annual basis, the following:

''(1) The number of workers certified and the number of workers actually participating in the trade adjustment assistance program.

''(2) The time for processing petitions.

''(3) The number of training waivers granted.

''(4) The number of workers receiving benefits and the type of benefits being received.

''(5) The number of workers enrolled in, and the duration of, training by major types of training.

''(6) Earnings history of workers that reflects wages before separation and wages in any job obtained after receiving benefits under this Act.

''(7) Reemployment rates and sectors in which dislocated workers have been employed.

''(8) The cause of dislocation identified in each petition that resulted in a certification under this chapter.

''(9) The number of petitions filed and workers certified in each congressional district of the United States.

''(b) STATE PARTICIPATION.—The Secretary shall ensure, to the extent practicable, through oversight and effective internal control measures the following:

''(1) STATE PARTICIPATION.—Participation by each State in the collection of data required under subsection (a) and shall provide incentives for States to supplement employment and wage data obtained through the use of unemployment insurance wage records.

''(2) MONITORING.—Monitoring by each State of internal control measures with respect to program measurement data collected by each State.

''(3) RESPONSE.—The quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)).

''(c) REPORT.—

''(1) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and make available to each State and to the public a report that includes the information collected under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) COORDINATION.—Section 281 of the Trade Act of 1974 (19 U.S.C. 2392) is amended by striking ''Departments of Labor and Commerce'' and inserting ''Departments of Labor, Commerce, and Agriculture''.

(2) TRADE MONITORING SYSTEM.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended by striking ''The Secretary of Commerce and the Secretary of Labor'' and inserting ''The Secretaries of Commerce, Labor, and Agriculture''.

(3) TABLE OF CONTENTS.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the item relating to section 249, the following new item:

''Sec. 250. Data collection; report.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 313. DETERMINATIONS BY THE SECRETARY OF LABOR.

Section 223(c) of the Trade Act of 1974 (19 U.S.C. 2273(c)) is amended to read as follows:

''(c) PUBLICATION OF DETERMINATIONS.—Upon reaching a determination on a petition, the Secretary shall—

''(1) promptly publish a summary of the determination in the Federal Register together with the Secretary's reasons for making such determination; and

''(2) make the full text of the determination available to the public on the Internet website of the Department of Labor with full-text searchability.''.

Subtitle C—Trade Adjustment Assistance for Farmers

SEC. 321. CLARIFICATION OF MARKETING YEAR AND OTHER PROVISIONS.

(a) IN GENERAL.—Section 291(5) of the Trade Act of 1974 (19 U.S.C. 2401(5)) is amended by inserting before the end period the following: '', or in the case of an agricultural commodity that has no officially designated marketing year, in a 12-month period for which the petitioner provides written request''.

(b) FISHERMEN.—Notwithstanding any other provision of law, for purposes of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) fishermen who harvest wild stock shall be eligible for adjustment assistance to the same extent and in the same manner as a group of workers under such chapter 2.

SEC. 322. ELIGIBILITY.

(a) IN GENERAL.—Section 292(c)(1) of the Trade Act of 1974 (19 U.S.C. 2401a(c)(1)) is amended by striking ''80 percent'' and inserting ''90 percent''.

(b) SPECIAL RULE FOR QUALIFIED SUBSEQUENT YEARS.—Paragraph (2) of section 292(d) of the Trade Act of 1974 (19 U.S.C. 2401A(d)(2)) is amended to read as follows:

''(2) imports of articles like or directly competitive with the agricultural commodity, or class of goods within the agricultural commodity, produced by the group contributed importantly to the decline in price determined under subsection (c)(1) without regard to whether imports of such articles increased in any year subsequent to the year the group was first certified.''.

(c) NET FARM INCOME.—Section 296(a)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2401e(a)(1)(C)) is amended by inserting before the end period the following: ''or the producer had no positive net farm income for the 2 most recent consecutive years in which no adjustment assistance was received by the producer under this chapter''.

By Ms. LANDRIEU:

S. 123. A bill to authorize the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana; to the Committee on Environment and Public Works.

Ms. LANDRIEU. Mr. President, Hurricanes Katrina and Rita revealed the Gulf Coast's vulnerability to storms and flooding. With the help of generous Americans, the people of the gulf coast have been working hard over the last year and a half to rebuild their economy, their communities, and their lives.

Since these devastating storms struck in 2005, Congress directed the U.S. Army Corps of Engineers to better protect America's gulf coast. Yet Congress's failure to pass a Water Resources Development Act WRDA, has delayed much of the needed protection. Of all of the many worthy projects throughout the Nation awaiting WRDA passage, there is one hurricane protection project that stands out and cries for immediate congressional authorization with or without a WRDA bill. Accordingly, I am introducing legislation to singularly authorize this long overdue project known as ''Morganza to the Gulf of Mexico Hurricane Protection.''

This project includes a series of levees, locks and other systems through Terrebonne and Lafourche Parishes in Louisiana. When complete, the Morganza to the Gulf project will protect about 120,000 people and 1,700 square miles of land against storm surges such as those caused by Hurricanes Katrina and Rita.

The Morganza to the Gulf project is distinguishable from all other projects awaiting WRDA passage because it was originally authorized in the last enacted WRDA bill in 2000, with the requirement that the Army Corps of Engineers deliver a favorable feasibility report by December 31 of that year. The Corps eventually submitted its report more than a year late, causing the authorization to expire despite the Corps' favorable recommendation.

Though repeated attempts have been made, Congress has been unable to deliver a new WRDA bill since 2000. As a result, vital hurricane protection for a portion of southeast Louisiana that the Corps recommends after years of environmental and economic analysis is awaiting congressional action, and an area of America's gulf coast remains needlessly vulnerable. Notably, every failed WRDA bill that the Senate, the House, and its committees have separately passed since 2000 has authorized the Morganza to the Gulf Hurricane Protection project. Simply stated, there is no other item in WRDA that has been kicked down the road as many times as this.

This bill that I introduce today fully authorizes the Morganza to the Gulf project in accordance with the plans and subject to the conditions of the Corps' report.

I urge my colleagues to support this legislation and ask unanimous consent that a copy of my statement and the bill appear in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 123

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

SECTION 1. MORGANZA TO THE GULF OF MEXICO PROJECT.

(a) IN GENERAL.—The Secretary of the Army shall carry out the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana, substantially in accordance with the plans, and subject to the conditions, described in the Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $886,700,000, with an estimated Federal cost of $576,355,000 and an estimated non-Federal cost of $310,345,000.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project elements the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project elements if the Secretary determines that the work is integral to the project elements.

(c) OPERATIONS AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features of the

project described in subsection (a) that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212).

By Mr. ALLARD:

S. 124. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

Mr. ALLARD. Mr. President, another piece of legislation that I am introducing today addresses an issue important to citizens of southern Colorado. The problem is this: cable and satellite subscribers in two southern Colorado counties are forced by current law to receive New Mexico television stations. Lately, I hear almost every day from my constituents that they would prefer to receive Colorado television over New Mexico television.

The problem stems from the fact that these two Colorado counties are located in the Albuquerque designated market area, as determined by Nielsen Media Research. As a matter of fairness, citizens of Colorado should be eligible to receive Colorado TV. Consumers should choose which television stations they receive, especially since they are the ones paying for it.

The bill I am introducing does just that. It makes a commonsense change to the law that allows citizens of La Plata and Montezuma Counties to receive television stations from Denver, not Albuquerque.

I hope that my colleagues will join me in supporting this bill that is nearly identical to laws enacted in previous Congresses that addressed similar problems in other States.

By Mr. ALLARD:

S. 125. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I am introducing a bill dealing with the Granada Relocation Camp, also known as Camp Amache. It played an important, but sad, part in United States history. Camp Amache, one of 10 internment camps in the Nation, was established in August 1942 by the U.S. Government during World War II as a place to house the Japanese from the west coast and was closed on August 15, 1945. This is a significant part of American history and it should be preserved. My bill today will designate the Granada Relocation Camp as a national historic site in Colorado.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 126. A bill to modify the boundary of Mesa Verde National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, another piece of legislation I am introducing today will authorize the expansion of the boundary of Mesa Verde National Park. The boundary adjustment will allow for the incorporation of 324 acres of land owned by the Henneman family, which is being purchased by the Conservation Fund for conveyance to the park, as well as a 38-acre parcel that will be donated to the park by the Mesa Verde Foundation.

Mesa Verde National Park protects some of the best preserved and most notable archeological sites in the world. There are over 4,000 known archeological sites in the park, including 600 cliff dwellings. These sites were constructed by ancestral Puebloans, who occupied this area for over 700 years, from 600 A.D. to 1300 A.D.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 127. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, the Baca National Wildlife Refuge Purpose bill will give the U.S. Fish and Wildlife Service management tools that will allow the agency to run the Baca National Wildlife Refuge in a way that achieves the most beneficial use of this wonderful natural resource. The Baca National Wildlife Refuge consists of 92,500 acres of wetlands, sage brush, and riparian lands adjacent to the Great Sand Dunes National Park in southern Colorado. I, along with my former colleague from Colorado's 3rd Congressional District, U.S. Representative Scott McInnis, sponsored the legislation that converted the Sand Dunes from a monument to a park. This legislation also authorized the Federal acquisition of the Baca Ranch lands and I remain actively interested in the area's management.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 128. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I am introducing legislation which will extend congressional authorization for the Cache la Poudre Heritage Area in northern Colorado and will give local citizens greater management authority over the area. Under the original legislation, authored by former Colorado. Senator Hank Brown, the Secretary of Interior was to appoint a commission to work with the National Park Service and manage the area, but because of a technicality, the Secretary was unable to appoint the commission. In response, local citizens stepped up and formed the Poudre Heritage Alliance to support the Heritage Area until an official commission could be named. This legislation would rectify this, and empower local residents to continue the work they have been doing on behalf of the heritage area.

By Mr. ALLARD:

S. 129. A bill to study and promote the use of energy-efficient computer servers in the United States; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I am introducing a bill that will authorize the EPA to conduct a study of the growth in energy consumption by computer data centers operated by the Federal Government and by private corporations. The study will also examine industry movement toward energy efficient microchips and computer servers, potential cost savings associated with the movement to more efficient machines and what, if any, impacts to performance come with increased efficiency. The results of the study will allow us to more fully understand the impact that the growing number of computers in use throughout the country has on energy consumption. This information will better position Congress to make recommendations to Federal agencies on their energy use and computer selection.

It will also provide private industry with information that will allow them to choose computer models that will decrease their energy consumption, making their companies more efficient and profitable.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 130. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare; to the Committee on Finance.

Mr. ALLARD. Mr. President, currently American seniors enjoy Medicare health plans called cost contracts. Under legislation I am introducing today, seniors will be able to continue utilizing these valued health plans.

Medicare cost contract plans are vital to America. Cost contracts provide Medicare beneficiaries in many rural areas and small cities throughout our country with an affordable, high-quality option to the traditional Medicare fee-for-service plan. For many of these beneficiaries, Medicare Advantage plans do not provide access to physicians in the community.

Medicare cost contracts are managed care plans that are reimbursed on a cost basis for providing health services. Under current law, cost contracts are one option for Medicare beneficiaries. Cost contract premiums cover Medicare deductibles and additional benefits not covered by basic Medicare. Further, for the costs of a normal Medicare fee-for-service copayment,

seniors with cost contracts can use any Medicare provider regardless of whether they participate in the health plans network. This is critical in rural areas where physicians are scarce.

Cost contracts are vital to seniors who have them. From New York to Oregon, and even to Hawaii, America's seniors are enrolled in cost contract plans. Cost contracts are especially important in rural Colorado. Of the Coloradans with cost contract plans, 89 percent live in rural Colorado, where few physicians will see patients under straight Medicare or Medicare Advantage.

Many beneficiaries who are enrolled in Medicare cost contract plans live on limited incomes. Under the traditional Medicare program, beneficiaries incur considerable out-of-pocket expenses. In addition, Medicare supplemental insurers frequently age-adjust premiums and either refuse coverage or impose coverage restrictions for pre-existing conditions. Medicare cost contract plans provide an affordable alternative.

Unfortunately, under current law cost contracts soon will terminate.

I believe Congress should work to extend Medicare cost contracts further. My bill, the Medicare Cost Contract Extension and Refinement Act of 2007, would accomplish this by extending by five years the cost contract sunset date of December 31, 2007, to December 31, 2012.

Cost contracts have been a bipartisan issue, with bipartisan support in the past. Senator Wyden of Oregon worked to get an extension for cost contracts in the 109th Congress, and I look forward to working with him again during the 110th.

By Mr. ALLARD (for himself and Mr. REED):

S. 131. A bill to extend for 5 years the Mark-to-Market program of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I turn now to the issue of housing. Congress created the Mark-to-Market Program in 1997 to reduce Section 8 costs while preserving the affordability and availability of low-income rental housing. The purpose of the program is to reduce the property rents to market level while simultaneously restructuring property debt to prevent FHA defaults.

Studies seem to show that the program has been an overwhelming success. Nearly 250,000 units of affordable housing have been preserved due to the Mark-to-Market Program. This is affordable housing that would have been permanently lost as affordable otherwise. According to HUD, the program has also saved taxpayers more than $2 billion.

The original legislation authorized the Mark-to-Market Program for 4 years, which was subsequently extended for 5 additional years. Therefore, the Mark-to-Market program authority was scheduled to expire on September 30, 2006. Fortunately, the program authority was temporarily extended under the continuing resolutions.

When the program was extended in 2001, it appeared that 5 additional years would be sufficient time for nearly all eligible properties to complete the Mark-to-Market process. However, more recent projections show that nearly 78,000 properties will face rent reductions over the next 5 years.

It is important to note that even though the program will expire, these Section 8 properties with above market rates will still be required to have their rents reduced to market levels. Without the proper tools to also restructure the debt, many owners will lack sufficient funds for property maintenance or mortgage payments. Because many Section 8 properties are also FHA insured, this will result in a significant number of claims against FHA, in addition to many tenant displacements.

Clearly, no one finds this a desirable scenario. Failure to extend the Mark-to-Market Program would be bad for tenants and bad for taxpayers. Thus, I am pleased to join with Senator REED of Rhode Island in reintroducing the Mark-to-Market Extension Act of 2007. Our bill would extend the program for 5 additional years to allow the remaining properties to go through the Mark-to-Market process. Frankly, I can see no downside to extending the program; It maintains affordable housing for less money.

I am pleased to work with industry groups and with my colleagues to see that this very worthwhile program is extended for an additional 5 years.

By Mr. ALLARD:

S. 132. A bill to end the trafficking of methamphetamines and precursor chemicals across the United States and its borders; to the Committee on the Judiciary.

Mr. ALLARD. Mr. President, the first bill I present today is to address one of the biggest current scourges of our citizens—methamphetamine abuse.

Just this week, a report published by Colorado's Meth Task Force cited Denver as a major distribution center for meth in the U.S.

Our Nation has been hard hit by the illegal trafficking of meth across U.S. borders. This is a national issue that is growing at a rate that constantly presents a challenge to our talented law enforcement officials. Through our work on the Combat Meth Act, we have provided them with many tools to fight the domestic production of meth. We are now called upon to respond to the issue of foreign produced meth as it presents a growing threat to the U.S.

In just 10 years, meth has become America's worst drug problem—worse than marijuana, cocaine or heroin. My home state of Colorado, like the rest of the Nation, faces challenges associated with the growing epidemic. Although the number of meth labs in the state is on the decline, meth distribution remains rampant because of Denver's location at the intersection of two major interstate highways, both of which serve as pipelines for the distribution of meth after it enters our country.

This evidence is echoed by the many local drug task forces, law enforcement officials, and District Attorneys who are tasked with tackling meth within our communities and who I have worked with on this issue.

According to estimates from the DEA, an alarming 80 percent of the meth used in the United States comes from larger labs, increasingly abroad, while only 20 percent of the meth consumed in this country comes from small laboratories.

Therefore, I propose that we improve efforts to curb the flow of meth both within and across our borders. We must take steps to expand enforcement to reduce the amount of meth being trafficked into the United States by establishing stricter penalties for meth offenders, improving coordination with foreign law enforcement officials, and examining the serious meth problems faced by Indian reservations.

The Methamphetamine Trafficking Enforcement Act of 2007 that I am introducing today is a first step to fighting the trafficking of this drug. My bill addresses the distribution issue by dramatically lowering the quantity and dollar amount thresholds for federal criminal prosecution of leaders of methamphetamine distribution rings.

The trafficking of meth across our borders makes Federal action necessary, but this is not our war to fight alone. This bill also presses upon the United States Trade Representative, the Secretary of State, the Attorney General, and the Secretary of Homeland Security to include new ways to curb the illicit use and shipment of pseudoephedrine, ephedrine, and similar chemicals in multilateral and bilateral negotiations. Federal law enforcement officials will collaborate with their foreign counterparts to fight meth internationally. Working together, we can find a long term solution.

According to the U.S. Department of Justice, the use, production and distribution of meth on Indian lands has increased in the past decade. With limited numbers of tribal law enforcement officials, meth can easily flow into and be trafficked out of many Indian reservations. This bill urges the Attorney General to research and report to Congress the challenges faced by all Indian reservations and make recommendations to help them address meth trafficking and abuse.

We must recognize the immediacy of the issue of methamphetamine trafficking. It is important that we protect the U.S. and its borders to ensure national security and the safety of our communities. I look forward to working with my colleagues on this issue and invite them to cosponsor the Methamphetamine Trafficking Enforcement Act of 2007.

By Mr. OBAMA (for himself, Mr. LUGAR, and Mr. HARKIN):

S. 133. A bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, in 2005, Congress enacted the Renewable Fuels Standard, RFS, as part of the Energy Policy Act. The RFS is a commitment by the United States government that, henceforth, ethanol must comprise a substantial part of the national vehicle fuel supply, with a goal of 7.5 billion gallons of ethanol in our gasoline by 2012.

Ethanol production has responded vigorously to this national policy. In fact, in only two years, ethanol production has boomed to where it now far exceeds the RFS target for this year. It is widely anticipated that ethanol production will surpass the target for the year 2012 by the end of this year, five years early.

Clearly, it is time to increase the RFS targets. I am pleased to be an original cosponsor of the bill introduced today by my colleagues, Senator HARKIN and Senator LUGAR, that will increase those targets to 30 billion gallons by the year 2020 and 60 billion gallons by the year 2030. I hope my colleagues will support the provisions of that bill.

But for an expanded RFS to be successful, we must lay further groundwork. We cannot meet the targets and deadlines of an expanded RFS without a robust package of policies that set the stage for the next decade.

So far, we've met our biofuels goals by producing ethanol made from sugars that come from corn. This approach, by itself, has been profoundly successful in many rural communities but will eventually reach its maximum capacity. While that day is still several years away, we must begin preparations now. We must build upon our current path. We must continue our pursuit in cracking the code for corn cellulosics. We must pour the foundation for the next generation of biofuels made from the broadest range of agriculture feedstocks. Our vocabulary must expand to cellulosics and biobutanols, manure and miscanthus.

The American Fuels Act, which I introduce today, breathes life into an expanded RFS. The American Fuels Act is the heart, the centerpiece, the key to ensuring that an expanded RFS is successful. That's why I am pleased to be joined today by my esteemed colleagues, Senator LUGAR and Senator HARKIN, in the introduction of this bill.

The premise of the American Fuels Act is to create a ''Biofuels Triangle'' that focuses on (1). production, (2). distribution, and (3) consumption.

To expand production, we create an ''Alternative Diesel Standard'' for diesels that complements the RFS for gasoline. The Alternative Diesel Standard requires 2 billion gallons of alternative diesels into the 40 billion gallon domestic diesel supply by the year 2016, encouraging greater use of biofuel feedstocks like vegetable oils, animal fats, coal-to-liquids, manure, and municipal waste. We call for the establishment of a cellulosic biomass fuels credit of an additional 76.5 cents per gallon so that first-generation cellulosic plants can be built to meet the 250 million gallon production goals by 2012.

To expand distribution, the American Fuels Act provides a tax credit for ethanol producers to invest in on-site blending equipment, bypassing oil refineries so that E–85 can be transported directly to the pump at your local gas station. Our bill also provides freedom for fuel franchisers by making it illegal for oil companies to stop their branded franchises from selling biofuels should these local businessmen wish to respond to their customer's request for biofuels. This bill also gives franchisers the power to sue oil companies for imposing any restrictions.

And to expand consumption, the American Fuels Act encourages the manufacture of more vehicles that can function on higher ethanol blends like E–85 so that more passenger cars to be flexible fuel vehicles. We provide a $100 tax credit to automakers for each ethanol-capable vehicle produced beyond the CAFE credit or any other government requirement. We require that 100 percent of the Federal fleet must be ethanol-capable or hybrids in the next 7 years. And we require that any public transit agency that uses Federal dollars to upgrade bus fleets must purchase an alternative fuel bus, or pledge to use alternative fuels in those buses.

To oversee these efforts, we create a Director of Energy Security in the Office of the President to ensure that our massive investment in domestically produced fuels get the national security leadership and coordination it requires.

Our dependence on oil is hurting our economy and jeopardizing our national security by keeping us tied to the world's most dangerous and unstable regimes. It's the fossil fuels we insist on burning—particularly oil—that are the single greatest cause of climate change and the damaging weather patterns that have been its result. Never has the failure to take on a single challenge so detrimentally affected nearly every aspect of our well-being as Nation. And never have the possible solutions had the potential to do so much good for so many generations to come.

That's why I urge my colleagues to join us in cosponsoring the American Fuels Act. I ask for their support, and for the swift enactment of this bill. I ask unanimous consent that the text of the American Fuels Act be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 133

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 ''American Fuels Act of 2007''.

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

SEC. 2. OFFICE OF ENERGY SECURITY.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of Energy Security appointed under subsection (c)(1).

(2) OFFICE.—The term ''Office'' means the Office of Energy Security established by subsection (b).

(b) ESTABLISHMENT.—There is established in the Executive Office of the President the Office of Energy Security.

(c) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) RATE OF PAY.—The Director shall be paid at a rate of pay equal to level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) RESPONSIBILITIES.—

(1) IN GENERAL.—The Office, acting through the Director, shall be responsible for overseeing all Federal energy security programs, including the coordination of efforts of Federal agencies to assist the United States in achieving full energy independence.

(2) SPECIFIC RESPONSIBILITIES.—In carrying out paragraph (1), the Director shall—

(A) serve as head of the energy community;

(B) act as the principal advisor to the President, the National Security Council,

the National Economic Council, the Domestic Policy Council, and the Homeland Security Council with respect to intelligence matters relating to energy security;

(C) with request to budget requests and appropriations for Federal programs relating to energy security—

(i) consult with the President and the Director of the Office of Management and Budget with respect to each major Federal budgetary decision relating to energy security of the United States;

(ii) based on priorities established by the President, provide to the heads of departments containing agencies or organizations within the energy community, and to the heads of such agencies and organizations, guidance for use in developing the budget for Federal programs relating to energy security;

(iii) based on budget proposals provided to the Director by the heads of agencies and organizations described in clause (ii), develop and determine an annual consolidated budget for Federal programs relating to energy security; and

(iv) present the consolidated budget, together with any recommendations of the Director and any heads of agencies and organizations described in clause (ii), to the President for approval;

(D) establish and meet regularly with a council of business and labor leaders to develop and provide to the President and Congress recommendations relating to the impact of energy supply and prices on economic growth;

(E) submit to Congress an annual report that describes the progress of the United States toward the goal of achieving full energy independence; and

(F) carry out such other responsibilities as the President may assign.

(e) STAFF.—

(1) IN GENERAL.—The Director may, without regard to the civil service laws (including regulations), appoint and terminate such personnel as are necessary to enable the Director to carry out the responsibilities of the Director under this section.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Director may fix the compensation of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the personnel appointed by the Director shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

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

SEC. 3. CREDIT FOR PRODUCTION OF QUALIFIED FLEXIBLE FUEL MOTOR VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45O. PRODUCTION OF QUALIFIED FLEXIBLE FUEL MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, in the case of a manufacturer, the qualified flexible fuel motor vehicle production credit determined under this section for any taxable year is an amount equal to the incremental flexible fuel motor vehicle cost for each qualified flexible fuel motor vehicle produced in the United States by the manufacturer during the taxable year.

''(b) INCREMENTAL FLEXIBLE FUEL MOTOR VEHICLE COST.—With respect to any qualified flexible fuel motor vehicle, the incremental flexible fuel motor vehicle cost is an amount equal to the lesser of—

''(1) the excess of—

''(A) the cost of producing such qualified flexible fuel motor vehicle, over

''(B) the cost of producing such motor vehicle if such motor vehicle was not a qualified flexible fuel motor vehicle, or

''(2) $100.

''(c) QUALIFIED FLEXIBLE FUEL MOTOR VEHICLE.—For purposes of this section, the term 'qualified flexible fuel motor vehicle' means a flexible fuel motor vehicle—

''(1) the production of which is not required for the manufacturer to meet—

''(A) the maximum credit allowable for vehicles described in paragraph (2) in determining the fleet average fuel economy requirements (as determined under section 32904 of title 49, United States Code) of the manufacturer for the model year ending in the taxable year, or

''(B) the requirements of any other provision of Federal law, and

''(2) which is designed so that the vehicle is propelled by an engine which can use as a fuel a gasoline mixture of which 85 percent (or another percentage of not less than 70 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) of the volume of consists of ethanol.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(4) NO DOUBLE BENEFIT.—The amount of any deduction or credit allowable under this chapter (other than the credits allowable under this section and section 30B) shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(6) TERMINATION.—This section shall not apply to any vehicle produced after December 31, 2011.

''(7) CROSS REFERENCE.—For an election to claim certain minimum tax credits in lieu of the credit determined under this section, see section 53(e).''.

(b) CREDIT ALLOWED AGAINST THE ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B) of the Internal Revenue Code of 1986 (defining specified credits) is amended by striking the period at the end of clause (ii)(II) and inserting '', and'', and by adding at the end the following new clause:

''(iii) the credit determined under section 45O.''.

(c) ELECTION TO USE ADDITIONAL AMT CREDIT.—Section 53 of the Internal Revenue Code of 1986 (relating to credit for prior year minimum tax liability) is amended by adding at the end the following new subsection:

''(e) ADDITIONAL CREDIT IN LIEU OF FLEXIBLE FUEL MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—In the case of a taxpayer making an election under this subsection for a taxable year, the amount otherwise determined under subsection (c) shall be increased by any amount of the credit determined under section 45O for such taxable year which the taxpayer elects not to claim pursuant to such election.

''(2) ELECTION.—A taxpayer may make an election for any taxable year not to claim any amount of the credit allowable under section 45O with respect to property produced by the taxpayer during such taxable year. An election under this subsection may only be revoked with the consent of the Secretary.

''(3) CREDIT REFUNDABLE.—The aggregate increase in the credit allowed by this section for any taxable year by reason of this subsection shall for purposes of this title (other than subsection (b)(2) of this section) be treated as a credit allowed to the taxpayer under subpart C.''.

(d) CONFORMING AMENDMENTS.—Section 38(b) of the Internal Revenue Code of 1986 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 qualified flexible fuel motor vehicle production credit determined under section 45N, plus''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45O. Production of qualified flexible fuel motor vehicles.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to motor vehicles produced in model years ending after the date of the enactment of this Act.

SEC. 4. INCENTIVES FOR THE RETAIL SALE OF ALTERNATIVE FUELS AS MOTOR VEHICLE FUEL.

(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 inserting after section 40A the following new section:

''SEC. 40B. CREDIT FOR RETAIL SALE OF ALTERNATIVE FUELS AS MOTOR VEHICLE FUEL.

''(a) GENERAL RULE.—The alternative fuel retail sales credit for any taxable year is the applicable amount for each gallon of alternative fuel sold at retail by the taxpayer during such year.

''(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount shall be determined in accordance with the following table:

''In the case of any sale:	The applicable amount for each gallon is:
Before 2010	35 cents
During 2010 or 2011	20 cents
During 2012	10 cents.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ALTERNATIVE FUEL.—The term 'alternative fuel' means any fuel at least 85 percent (or another percentage of not less than 70 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) of the volume of which consists of ethanol.

''(2) SOLD AT RETAIL.—

''(A) IN GENERAL.—The term 'sold at retail' means the sale, for a purpose other than resale, after manufacture, production, or importation.

''(B) USE TREATED AS SALE.—If any person uses alternative fuel (including any use after importation) as a fuel to propel any qualified alternative fuel motor vehicle (as defined in this section) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

''(3) QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—The term 'new qualified alternative fuel motor vehicle' means any motor vehicle—

''(A) which is capable of operating on an alternative fuel,

''(B) the original use of which commences with the taxpayer,

''(C) which is acquired by the taxpayer for use or lease, but not for resale, and

''(D) which is made by a manufacturer.

''(d) ELECTION TO PASS CREDIT.—A person which sells alternative fuel at retail may elect to pass the credit allowable under this section to the purchaser of such fuel or, in the event the purchaser is a tax-exempt entity or otherwise declines to accept such credit, to the person which supplied such fuel, under rules established by the Secretary.

''(e) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(f) TERMINATION.—This section shall not apply to any fuel sold at retail after December 31, 2012.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit), as amended by section 4(d), is amended by striking ''plus'' at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting '', plus'', and by adding at the end the following new paragraph:

''(33) the alternative fuel retail sales credit determined under section 40B(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 40B. Credit for retail sale of alternative fuels as motor vehicle fuel.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold at retail after the date of enactment of this Act, in taxable years ending after such date.

SEC. 5. FREEDOM FOR FUEL FRANCHISERS.

(a) PROHIBITION ON RESTRICTION OF INSTALLATION OF ALTERNATIVE FUEL PUMPS.—

(1) IN GENERAL.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF ALTERNATIVE FUEL PUMPS.

''(a) DEFINITION.—In this section:

''(1) ALTERNATIVE FUEL.—The term 'alternative fuel' means any fuel—

''(A) at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, or any combination of those fuels; or

''(B) any mixture of biodiesel (as defined in section 40A(d)(1) of the Internal Revenue Code of 1986) and diesel fuel (as defined in section 4083(a)(3) of the Internal Revenue Code of 1986), determined without regard to any use of kerosene and containing at least 20 percent biodiesel.

''(2) FRANCHISE-RELATED DOCUMENT.—The term 'franchise-related document' means—

''(A) a franchise under this Act; and

''(B) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

''(b) PROHIBITIONS.—

''(1) IN GENERAL.—Notwithstanding any provision of a franchise-related document in effect on the date of enactment of this section, no franchisee or affiliate of a franchisee shall be restricted from—

''(A) installing on the marketing premises of the franchisee an alternative fuel pump;

''(B) converting an existing tank and pump on the marketing premises of the franchisee for alternative fuel use;

''(C) advertising (including through the use of signage or logos) the sale of any alternative fuel; or

''(D) selling alternative fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears).

''(2) ENFORCEMENT.—Any restriction described in paragraph (1) that is contained in a franchise-related document and in effect on the date of enactment of this section—

''(A) shall be considered to be null and void as of that date; and

''(B) shall not be enforced under section 105.

''(c) EXCEPTION TO 3-GRADE REQUIREMENT.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling an alternative fuel in lieu of 1 grade of gasoline.''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by adjusting the indentation of subparagraph (C) appropriately.

(B) TABLE OF CONTENTS.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended—

(i) by inserting after the item relating to section 106 the following:

''Sec. 107. Prohibition on restriction of installation of alternative fuel pumps.'';

and

(ii) by striking the item relating to section 202 and inserting the following:

''Sec. 202. Automotive fuel rating testing and disclosure requirements.''.

(b) APPLICATION OF GASOHOL COMPETITION ACT OF 1980.—Section 26 of the Clayton Act (15 U.S.C. 26a) is amended—

(1) by redesignating subsection (c) as subsection (d);

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

''(c) RESTRICTION PROHIBITED.—For purposes of subsection (a), restricting the right of a franchisee to install on the premises of that franchisee qualified alternative fuel vehicle refueling property (as defined in section 30C(c) of the Internal Revenue Code of 1986) shall be considered an unlawful restriction.''; and

(3) in subsection (d) (as redesignated by paragraph (1)), by striking ''(d) As used in this section,'' and inserting the following:

SEC. 6. ALTERNATIVE DIESEL FUEL CONTENT OF DIESEL.

(a) FINDINGS.—Congress finds that—

(1) section 211(o) of the Clean Air Act (42 U.S.C. 7535(o)) (as amended by section 1501 of the Energy Policy Act of 2005 (Public Law 109–58)) established a renewable fuel program under which entities in the petroleum sector are required to blend renewable fuels into motor vehicle fuel based on the gasoline motor pool;

(2) the need for energy diversification is greater as of the date of enactment of this Act than it was only months before the date of enactment of the Energy Policy Act (Public Law 109–58; 119 Stat. 594); and

(3)(A) the renewable fuel program under section 211(o) of the Clean Air Act requires a small percentage of the gasoline motor pool, totaling nearly 140,000,000,000 gallons, to contain a renewable fuel; and

(B) the small percentage requirement described in subparagraph (A) does not include the 40,000,000,000-gallon diesel motor pool.

(b) ALTERNATIVE DIESEL FUEL PROGRAM FOR DIESEL MOTOR POOL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) the following:

''(p) ALTERNATIVE DIESEL FUEL PROGRAM FOR DIESEL MOTOR POOL.—

''(1) DEFINITION OF ALTERNATIVE DIESEL FUEL.—

''(A) IN GENERAL.—In this subsection, the term 'alternative diesel fuel' means biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))) and any blending components derived from alternative fuel (provided that only the alternative fuel portion of any such blending component shall be considered to be part of the applicable volume under the alternative diesel fuel program established by this subsection).

''(B) INCLUSIONS.—The term 'alternative diesel fuel' includes a diesel fuel substitute produced from—

''(i) animal fat;

''(ii) plant oil;

''(iii) recycled yellow grease;

''(iv) single-cell or microbial oil;

''(v) thermal depolymerization;

''(vi) thermochemical conversion;

''(vii) a coal-to-liquid process (including the Fischer-Tropsch process) that provides for the sequestration of carbon emissions;

''(viii) a diesel-ethanol blend of not less than 7 percent ethanol; or

''(ix) sugar, starch, or cellulosic biomass.

''(2) ALTERNATIVE DIESEL FUEL PROGRAM.—

''(A) REGULATIONS.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to ensure that diesel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of alternative diesel fuel determined in accordance with subparagraph (B).

''(ii) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under clause (i)—

''(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

''(II) shall not—

''(aa) restrict geographic areas in which alternative diesel fuel may be used; or

''(bb) impose any per-gallon obligation for the use of alternative diesel fuel.

''(iii) REQUIREMENT IN CASE OF FAILURE TO PROMULGATE REGULATIONS.—If the Administrator fails to promulgate regulations under clause (i), the percentage of alternative diesel fuel in the diesel motor pool sold or dispensed to consumers in the United States, on

a volume basis, shall be 0.6 percent for calendar year 2009.

''(B) APPLICABLE VOLUME.—

''(i) CALENDAR YEARS 2009 THROUGH 2016.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2009 through 2016 shall be determined in accordance with the following table:

''Applicable volume of Alternative diesel fuel in diesel motor pool (in millions of gallons):	Calendar year:
250	2009
500	2010
750	2011
1,000	2012
1,250	2013
1,500	2014
1,750	2015
2,000	2016

''(ii) CALENDAR YEAR 2017 AND THEREAFTER.—The applicable volume for calendar year 2017 and each calendar year thereafter shall be determined by the Administrator, in coordination with the Secretary of Agriculture and the Secretary of Energy, based on a review of the implementation of the program during calendar years 2009 through 2016, including a review of—

''(I) the impact of the use of alternative diesel fuels on the environment, air quality, energy security, job creation, and rural economic development; and

''(II) the expected annual rate of future production of alternative diesel fuels to be used as a blend component or replacement to the diesel motor pool.

''(iii) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume for calendar year 2017 and each calendar year thereafter shall be equal to the product obtained by multiplying—

''(I) the number of gallons of diesel that the Administrator estimates will be sold or introduced into commerce during the calendar year; and

''(II) the ratio that—

''(aa) 2,000,000,000 gallons of alternative diesel fuel; bears to

''(bb) the number of gallons of diesel sold or introduced into commerce during calendar year 2016.

''(3) APPLICABLE PERCENTAGES.—

''(A) PROVISION OF ESTIMATE OF VOLUMES OF DIESEL SALES.—Not later than October 31 of each of calendar years 2008 through 2016, the Administrator of the Energy Information Administration shall provide to the Administrator an estimate, with respect to the following calendar year, of the volumes of diesel projected to be sold or introduced into commerce in the United States.

''(B) DETERMINATION OF APPLICABLE PERCENTAGES.—

''(i) IN GENERAL.—Not later than November 30 of each of calendar years 2009 through 2016, based on the estimate provided under subparagraph (A), the Administrator shall determine and publish in the Federal Register, with respect to the following calendar year, the alternative diesel fuel obligation that ensures that the requirements of paragraph (2) are met.

''(ii) REQUIRED ELEMENTS.—The alternative diesel fuel obligation determined for a calendar year under clause (i) shall—

''(I) be applicable to refineries, blenders, and importers, as appropriate;

''(II) be expressed in terms of a volume percentage of diesel sold or introduced into commerce in the United States; and

''(III) subject to subparagraph (C), consist of a single applicable percentage that applies to all categories of persons described in subclause (I).

''(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments to prevent the imposition of redundant obligations on any person described in subparagraph (B)(ii)(I).

''(4) CREDIT PROGRAM.—

''(A) IN GENERAL.—The regulations promulgated pursuant to paragraph (2)(A) shall provide for the generation of an appropriate amount of credits by any person that refines, blends, or imports diesel that contains a quantity of alternative diesel fuel that is greater than the quantity required under paragraph (2).

''(B) USE OF CREDITS.—A person that generates a credit under subparagraph (A) may use the credit, or transfer all or a portion of the credit to another person, for the purpose of complying with regulations promulgated pursuant to paragraph (2).

''(C) DURATION OF CREDITS.—A credit generated under this paragraph shall be valid during the 1-year period beginning on the date on which the credit is generated.

''(D) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—The regulations promulgated pursuant to paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits under subparagraph (A) to meet the requirements of paragraph (2) by carrying forward a credit generated during a previous year on the condition that the person, during the calendar year following the year in which the alternative diesel fuel deficit is created—

''(i) achieves compliance with the alternative diesel fuel requirement under paragraph (2); and

''(ii) generates or purchases additional credits under subparagraph (A) to offset the deficit of the previous year.

''(5) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part on receipt of a petition of 1 or more States by reducing the national quantity of alternative diesel fuel for the diesel motor pool required under paragraph (2) based on a determination by the Administrator, after public notice and opportunity for comment, that—

''(i) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

''(ii) there is an inadequate domestic supply of alternative diesel fuel.

''(B) PETITIONS FOR WAIVERS.—Not later than 90 days after the date on which the Administrator receives a petition under subparagraph (A), the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove the petition.

''(C) TERMINATION OF WAIVERS.—

''(i) IN GENERAL.—Except as provided in clause (ii), a waiver under subparagraph (A) shall terminate on the date that is 1 year after the date on which the waiver is provided.

''(ii) EXCEPTION.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may extend a waiver under subparagraph (A), as the Administrator determines to be appropriate.''.

(c) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1), by striking ''or (o)'' each place it appears and inserting ''(o), or (p)''; and

(2) in paragraph (2), by striking ''and (o)'' each place it appears and inserting ''(o), and (p)''.

(d) TECHNICAL AMENDMENTS.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) in subsection (i)(4), by striking ''section 324'' each place it appears and inserting ''section 325'';

(2) in subsection (k)(10), by indenting subparagraphs (E) and (F) appropriately;

(3) in subsection (n), by striking ''section 219(2)'' and inserting ''section 216(2)'';

(4) by redesignating the second subsection (r) and subsection (s) as subsections (s) and (t), respectively; and

(5) in subsection (t)(1) (as redesignated by paragraph (4)), by striking ''this subtitle'' and inserting ''this part''.

SEC. 7. EXCISE TAX CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ETHANOL.

(a) ALLOWANCE OF EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 of the Internal Revenue Code of 1986 (relating to credit for alcohol fuel, biodiesel, and alternative fuel mixtures) is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) CELLULOSIC BIOMASS ETHANOL CREDIT.—

''(1) IN GENERAL.—For purposes of this section, in the case of a cellulosic biomass ethanol producer, the cellulosic biomass ethanol credit is the product of—

''(A) the product of 51 cents times the equivalent number of gallons of renewable fuel specified in section 211(o)(4) of the Clean Air Act, times

''(B) the number of gallons of qualified cellulosic biomass ethanol fuel production of such producer.

''(2) DEFINITIONS.—

''(A) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' has the meaning given such term under section 211(o)(1)(A) of the Clean Air Act.

''(B) QUALIFIED CELLULOSIC BIOMASS ETHANOL FUEL PRODUCTION.—The term 'qualified cellulosic biomass ethanol fuel production' means any alcohol which is cellulosic biomass ethanol which during the taxable year—

''(i) is sold by the producer to another person —

''(I) for use by such other person in the production of an alcohol fuel mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biomass ethanol at retail to another person and places such ethanol in the fuel tank of such other person, or

''(ii) is used or sold by the producer for any purpose described in clause (i).

''(3) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (b) or (c) to any taxpayer with respect to any fuel to the extent that a credit has been allowed with respect to such fuel to any taxpayer under this subsection or a payment has been made with respect to such fuel under section 6427(e).

''(4) TERMINATION.—This section shall not apply to any sale or use for any period after December 31, 2008.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 6426(a) of such Code is amended—

(i) by striking ''subsection (d)'' in paragraph (2) and inserting ''subsections (d) and (f)'', and

(ii) by striking ''and (e)'' in the last sentence and inserting '', (e), and (f)''.

(B) The heading for section 6426 of such Code is amended to read as follows:

''SEC. 6426. CREDIT FOR CERTAIN FUELS AND FUEL MIXTURES.''.

(C) The table of section for subchapter B of chapter 65 of such Code is amended by striking the item relating to section 6426 and inserting the following new item:

''Sec. 6426. Credit for certain fuels and fuel mixtures.''.

(b) CELLULOSIC BIOMASS ETHANOL NOT USED FOR A TAXABLE PURPOSE.—

(1) IN GENERAL.—Section 6427(e) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) CELLULOSIC BIOMASS ETHANOL.—If any person sells or uses cellulosic biomass ethanol (as defined in section 6426(f)(2)(A)) for a purpose described in section 6426(f)(2)(B) in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the cellulosic biomass ethanol credit with respect to such fuel.''.

(2) DENIAL OF DOUBLE BENEFIT.—Paragraph (4) of section 6427(e) of such Code, as redesignated by paragraph (1), is amended to read as follows:

''(4) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—

''(A) IN GENERAL.—No amount shall be payable under paragraph (1), (2), or (3) with respect to any mixture, alternative fuel, or cellulosic biomass ethanol with respect to which an amount is allowed as a credit under section 6426.

''(B) CELLULOSIC BIOMASS ETHANOL.—No amount shall be payable under paragraph (1) or (2) with respect to any cellulosic biomass ethanol if a payment has been made with respect to such ethanol under paragraph (3).''.

(3) TERMINATION.—Paragraph (6) of section 6427(e) of such Code, as redesignated by paragraph (1), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) any cellulosic biomass ethanol credit (as defined in section 6426(f)(2)(A)) sold or used after December 31, 2008.''.

(4) CONFORMING AMENDMENT.—Paragraph (5) of section 6427(e) of such Code, as redesignated by paragraph (1), is amended by striking ''or alternative fuel mixture credit'' and inserting '', alternative fuel mixture credit, or cellulosic biomass ethanol credit''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 8. INCENTIVE FOR FEDERAL AND STATE FLEETS FOR MEDIUM AND HEAVY DUTY HYBRIDS.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (3), by striking ''or a dual fueled vehicle'' and inserting '', a dual fueled vehicle, or a medium or heavy duty vehicle that is a hybrid vehicle'';

(2) by redesignating paragraphs (11), (12), (13), and (14) as paragraphs (12), (14), (15), and (16), respectively;

(3) by inserting after paragraph (10) the following:

''(11) the term 'hybrid vehicle' means a vehicle powered both by a diesel or gasoline engine and an electric motor that is recharged as the vehicle operates;''; and

(4) by inserting after paragraph (12) (as redesignated by paragraph (2)) the following:

''(13) the term 'medium or heavy duty vehicle' means a vehicle that—

''(A) in the case of a medium duty vehicle, has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds; and

''(B) in the case of a heavy duty vehicle, has a gross vehicle weight rating of more than 14,000 pounds;''.

SEC. 9. CREDIT FOR QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT.

(a) ALLOWANCE OF QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the qualifying ethanol blending and processing equipment credit.''.

(b) AMOUNT OF QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48B the following new section:

''SEC. 48C. QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying ethanol blending and processing equipment credit for any taxable year is an amount equal to 50 percent of the basis of the qualifying ethanol blending and processing equipment placed in service at a qualifying facility during such taxable year.

''(b) LIMITATION.—The credit allowed under subsection (a) for qualifying ethanol blending and processing equipment placed in service at any 1 qualifying facility during any taxable year shall not exceed $2,000,000.

''(c) QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT.—For purposes of this section, the term 'qualifying ethanol blending and processing equipment' means any technology installed in or on a qualifying facility for blending ethanol with petroleum fuels for the purpose of direct retail sale, including in-line blending equipment, storage tanks, pumps and piping for denaturants, and load-out equipment.

''(d) QUALIFYING FACILITY.—For purposes of this section, the term 'qualifying facility' means any facility which produces not less than 1,000,000 gallons of ethanol during the taxable year.

''(e) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

''(f) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.

''(g) TERMINATION.—This section shall not apply to property placed in service after December 31, 2014.''.

(c) RECAPTURE OF CREDIT WHERE EMISSIONS REDUCTION OFFSET IS SOLD.—Paragraph (1) of section 50(a) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULE FOR QUALIFYING ETHANOL BLENDING AND PROCESSING EQUIPMENT.—For purposes of subparagraph (A), any investment property which is qualifying ethanol blending and processing equipment (as defined in section 48C(c)) shall cease to be investment credit property with respect to a taxpayer if such taxpayer receives a payment in exchange for a credit for emission reductions attributable to such qualifying pollution control equipment for purposes of an offset requirement under part D of title I of the Clean Air Act.''.

(d) SPECIAL RULE FOR BASIS REDUCTION; RECAPTURE OF CREDIT.—Paragraph (3) of section 50(c) of the Internal Revenue Code of 1986 (relating to basis adjustment to investment credit property) is amended by inserting ''or qualifying ethanol blending and processing equipment credit'' after ''energy credit''.

(e) CERTAIN NONRECOURSE FINANCING EXCLUDED FROM CREDIT BASE.—Section 49(a)(1)(C) of the Internal Revenue Code of 1986 (defining credit base) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the basis of any property which is part of any qualifying ethanol blending and processing equipment under section 48C.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 10. PUBLIC ACCESS TO FEDERAL ALTERNATIVE REFUELING STATIONS.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL REFUELING STATION.—The term ''alternative fuel refueling station'' has the meaning given the term ''qualified alternative fuel vehicle refueling property'' in section 30C(c)(1) of the Internal Revenue Code of 1986.

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

(b) ACCESS TO FEDERAL ALTERNATIVE REFUELING STATIONS.—Not later than 18 months after the date of enactment of this Act—

(1) except as provided in subsection (d)(1), any Federal property that includes at least 1 fuel refueling station shall include at least 1 alternative fuel refueling station; and

(2) except as provided in subsection (d)(2), any alternative fuel refueling station located on property owned by the Federal government shall permit full public access for the purpose of refueling using alternative fuel.

(c) DURATION.—The requirements described in subsection (b) shall remain in effect until the sooner of—

(1) the date that is 7 years after the date of enactment of this Act; or

(2) the date on which the Secretary determines that not less than 5 percent of the commercial refueling infrastructure in the United States offers alternative fuels to the general public.

(d) EXCEPTIONS.—

(1) WAIVER.—Subsection (b)(1) shall not apply to any Federal property under the jurisdiction of a Federal agency if the Secretary determines that alternative fuel is not reasonably available to retail purchasers of the fuel, as certified by the head of the agency to the Secretary.

(2) NATIONAL SECURITY EXEMPTION.—Subsection (b)(2) does not apply to property of the Federal government that the Secretary,

in consultation with the Secretary of Defense, has certified must be exempt for national security reasons.

(e) REPORT.—Not later than October 31 of each year beginning after the date of enactment of this Act, the President shall submit to Congress a report that describes the progress of the agencies of the Federal Government (including the Executive Office of the President) in complying with—

(1) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(2) Executive Order 13149 (65 Fed. Reg. 24595; relating to greening the government through Federal fleet and transportation efficiency); and

(3) the fueling center requirements of this section.

SEC. 11. PURCHASE OF CLEAN FUEL BUSES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5325 the following:

''§ 5326. Purchase of clean fuel buses

''(a) DEFINITIONS.—In this section:

''(1) ALTERNATIVE DIESEL FUEL.—

''(A) IN GENERAL.—The term 'alternative diesel fuel' means—

''(i) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))); and

''(ii) any blending components derived from alternative fuel.

''(B) INCLUSIONS.—The term 'alternative diesel fuel' includes a diesel fuel substitute produced from—

''(i) animal fat;

''(ii) plant oil;

''(iii) recycled yellow grease;

''(iv) single-cell or microbial oil;

''(v) thermal depolymerization;

''(vi) thermochemical conversion;

''(vii) a coal-to-liquid process (including the Fischer-Tropsch process) that provides for the sequestration of carbon emissions; or

''(viii) a diesel-ethanol blend of not less than 7 percent ethanol.

''(2) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

''(A) dedicated energy crops and trees;

''(B) wood and wood residues;

''(C) plants;

''(D) grasses;

''(E) agricultural residues;

''(F) fibers;

''(G) animal wastes and other waste materials; and

''(H) municipal solid waste.

''(3) CLEAN FUEL BUS.—The term 'clean fuel bus' means a vehicle that—

''(A) is capable of being powered by—

''(i) compressed natural gas;

''(ii) liquefied natural gas;

''(iii) 1 or more batteries;

''(iv) a fuel that is composed of at least 85 percent ethanol (or another percentage of not less than 70 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions);

''(v) electricity (including a hybrid electric or plug-in hybrid electric vehicle);

''(vi) a fuel cell;

''(vii) a fuel that is composed of at least 22 percent biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) (or another percentage of not less than 10 percent, as the Secretary may determine, by rule, to provide for requirements relating to cold start, safety, or vehicle functions);

''(viii) ultra-low sulfur diesel; or

''(ix) liquid fuel manufactured with a coal feedstock; and

''(B) has been certified by the Administrator of the Environmental Protection Agency to significantly reduce harmful emissions, particularly in a nonattainment area (as defined in section 171 of the Clean Air Act (42 U.S.C. 7501)).

''(4) QUALIFIED ALTERNATIVE FUEL PRODUCER.—The term 'qualified alternative fuel producer' means a producer of qualified fuels that, during the applicable taxable year—

''(A) are sold by the producer to another person—

''(i) for use by the person in the production of a mixture of qualified fuels in the trade or business of the person (other than casual off-farm production);

''(ii) for use by the other person as a fuel in a trade or business; or

''(iii) that—

''(I) sells to another person the qualified fuel at retail; and

''(II) places the qualified fuel in the fuel tank of the person that purchased the qualified fuel; or

''(B) are used or sold by the producer for any purpose described in subparagraph (A).

''(5) QUALIFIED FUEL.—The term 'qualified fuel' includes—

''(A) cellulosic biomass ethanol;

''(B) ethanol produced in facilities in which animal waste or other waste materials are digested or otherwise used to displace at least 90 percent of the fossil fuels that would otherwise be used in the production of ethanol;

''(C) renewable fuels;

''(D) alternative diesel fuels;

''(E) sugar, starch, or cellulosic biomass; and

''(F) any other fuel that is not substantially petroleum.

''(6) RENEWABLE FUEL.—The term 'renewable fuel' means fuel, at least 85 percent of the volume of which—

''(A)(i) is produced from grain, starch, oilseeds, vegetable, animal, or fish materials including fats, greases, and oils, sugarcane, sugar beets, sugar components, tobacco, potatoes, or other biomass; or

''(ii) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place in which decaying organic material is found; and

''(B) is used to substantially replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

''(b) PURCHASE OF BUSES.—Subject to subsections (c) and (d), beginning on the date that is 2 years after the date of enactment of this section, a bus purchased using funds made available from the Mass Transit Account of the Highway Trust Fund shall be a clean fuel bus.

''(c) ULTRA-LOW SULFUR DIESEL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not more than 20 percent of the amount of the funds provided to a recipient to purchase buses under this section may be used by the recipient to purchase clean fuel buses that are capable of being powered by a fuel described in clause (iv), (vii), (viii), or (ix) of subsection (a)(3)(A).

''(2) EXCEPTION.—Paragraph (1) shall not apply if the recipient enters into a 3–year purchase agreement with a qualified alternative fuel producer to acquire qualified fuels in a volume sufficient to power the clean fuel buses purchased using amounts made available under this section.

''(d) USE OF CERTAIN ALTERNATIVE FUELS.—

''(1) IN GENERAL.—To be eligible to receive funds under subsection (c)(2) for the purchase of a clean fuel bus that is capable of being powered by a fuel described in clause (iv), (vii), or (ix) of subsection (a)(3)(A), an applicant or recipient shall submit to the Secretary—

''(A) a certification that the applicant will operate the clean fuel bus only with the fuel at all times in accordance with the fuel capacity and use of the fuel recommended by the manufacturer of the clean fuel bus; and

''(B) not later than 180 days after the purchase of the clean fuel bus and every 180 days thereafter, a report that documents that the fuel was used in accordance with subparagraph (A) during the 180-day period ending on the date of the report.

''(2) NONCOMPLIANCE.—Failure of an applicant or recipient of funds to provide the certification or documentation required under paragraph (1) shall—

''(A) be considered a violation of the agreement to receive the funds; and

''(B) require the applicant or recipient to reimburse the Secretary the full amount of the funds not later than 90 days after the Secretary has determined that a violation has occurred.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by inserting after the item relating to section 5325 the following:

''5326. Clean fuel buses''.

SEC. 12. DOMESTIC FUEL PRODUCTION VOLUMES TO MEET DEPARTMENT OF DEFENSE NEEDS.

Section 2922d of title 10, United States Code is amended—

(1) in the heading, by striking ''**and tar sands**'' and inserting ''**tar sands, and other sources**'';

(2) in subsection (a), by striking ''fuel produced, in whole or in part, from coal, oil shale, and tar sands (referred to in this section as a 'covered fuel') that are extracted by either mining or in-situ methods and refined or otherwise processed in the United States'' and inserting ''fuel produced, in whole or in part, from coal, oil shale, and tar sands that are extracted by either mining or in-situ methods and refined or otherwise processed in the United States and fuel produced in the United States using starch, sugar, cellulosic biomass, plant or animal oils, or thermal chemical conversion, thermal depolymerization, or thermal conversion processes (referred to in this section as a 'covered fuel')'';

(3) in subsection (d), by striking ''1 or more years'' and inserting ''up to 5 years'';

(4) in subsection (e), by striking the period at the end and inserting the following: '', with consideration given to military installations closed or realigned under a round of defense base closure and realignment.''; and

(5) by adding at the end the following new subsection:

''(f) PRODUCTION FACILITIES FOR COVERED FUELS.—The Secretary of Defense may enter into contracts or other agreements with private companies or other entities to develop and operate production facilities for covered fuels, and may provide for the construction or capital modification of production facilities for covered fuels.''.

SEC. 13. FEDERAL FLEET ENERGY CONSERVATION IMPROVEMENT.

(a) DEFINITIONS.—Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (3), by inserting before the semicolon at the end the following: '', including a vehicle that is propelled by electric drive transportation technology, engine dominant hybrid electric technology, or plug-in hybrid technology'';

(2) in paragraph (13), by striking ''and'' after the semicolon at the end;

(3) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(15) the term 'electric drive transportation technology' means—

''(A) technology that uses an electric motor for all or part of the motive power of a vehicle (regardless of whether off-board electricity is used), including—

''(i) a battery electric vehicle;

''(ii) a fuel cell vehicle;

''(iii) an engine dominant hybrid electric vehicle;

''(iv) a plug-in hybrid electric vehicle;

''(v) a plug-in hybrid fuel cell vehicle; and

''(vi) an electric rail vehicle; or

''(B) technology that uses equipment for transportation (including transportation involving any mobile source of air pollution) that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment that is linked to transportation or a mobile source of air pollution;

''(16) the term 'engine dominant hybrid electric vehicle' means an on-road or nonroad vehicle that—

''(A) is propelled by an internal combustion engine or heat engine using—

''(i) any combustible fuel; and

''(ii) an on-board, rechargeable storage device; and

''(B) has no means of using an off-board source of electricity; and

''(17) the term 'plug-in hybrid electric vehicle' means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

''(A) any combustible fuel;

''(B) an on-board, rechargeable storage device; and

''(C) a means of using an off-board source of electricity.''.

(b) MINIMUM FEDERAL FLEET REQUIREMENT.—Section 303(b)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)) is amended—

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

(2) in subparagraph (D), by striking ''fiscal year 1999 and thereafter,'' and inserting ''each of fiscal years 1999 through 2013; and''; and

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

''(E) 100 percent in fiscal year 2014 and thereafter,''.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 134. A bill to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I am introducing the Arkansas Valley Conduit bill, which will ensure the construction of a pipeline that will provide the small, financially strapped towns and water agencies along the lower Arkansas River with safe, clean, affordable water. This project was originally authorized by Congress in 1962, over 40 years ago, as a part of the Fryingpan-Arkansas Project. Due to several long years of drought and increasing Federal water quality standards, current water delivery methods are not enough. By creating an 80-percent Federal, 20-percent local cost share formula to help offset the construction costs of the conduit, this legislation will protect the future of southeastern Colorado's drinking water supplies and prevent further economic hardship.

By Mr. ALLARD:

S. 135. A bill to authorize the Secretary of the Army to acquire land for the purposes of expanding Pinon Canyon Maneuver Site, and for other purposes; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, another bill dealing with the large military presence in Colorado relates to the expansion of the Army's Pinon Canyon Maneuver Site. Due to an emphasis on rapid mobility, modularity, and maneuverability in recent years, the Army's ability to project force across the battlefield has increased exponentially. As such, the Army transformation is also driving higher their requirement for training space.

With its close location to Fort Carson, Pinon Canyon was perfectly suited for the Army's training needs 20 years ago. However, with the arrival of 10,000 new soldiers to Fort Carson, the Army has determined that the size of the site needs to be increased in order to meet Fort Carson's new operational training requirements.

I have been told repeatedly by Army officials that the genesis of Fort Carson's expansion proposal occurred when several landowners approached Fort Carson and expressed their strong desire to sell. I also understand that sufficient numbers of willing sellers exist to support a significant expansion of the site. However, many in the community surrounding Pinon Canyon have major questions that need to be answered.

In order to get some of these major questions answered, a reporting requirement was placed in the 2006 Defense Authorization bill, approved by both the Senate and the House. However, the Department of Army is restricted on communicating about any specific land acquisition proposal until a waiver for that site has been granted by the Secretary of Defense, which has yet to be granted. Thus, the Army's hands were tied and they were unable to meet the full reporting requirements in the 2006 Defense authorization. I understand the difficult position the Army is on this issue, but I believe it is absolutely necessary that they provide the information to the community and to Congress prior to any acquisition of property.

The leadership at Fort Carson has done a great job of reaching out and providing what information it could to the local communities. However, the Pentagon has not been as forthcoming. I believe the Congress and, more importantly, the local communities in Southeastern Colorado need more information before we can decide whether this proposed expansion is necessary and appropriate.

With these objectives in mind, today I am introducing a bill that clearly defines the process under which the Army can expand the Pinon Canyon Maneuver Site. This legislation prohibits the use of eminent domain, requires the Army to pay fair market value. Most importantly, the bill does not allow the Army to proceed with land acquisition until it delivers the answers previously sought on the environmental and economic impacts of expansion and also must offer options for compensating the loss of property tax revenue.

It is vital that the Army take the time to answer these important questions to help alleviate the affected communities concerns. A number of counties and small towns in Southeastern Colorado could be adversely affected by this expansion, and this study will help us better understand the extent of these impacts and provide options for mitigating them.

By Mr. ALLARD:

S. 136. A bill to expand the National Domestic Preparedness Consortium to include the Transportation Technology Center; to the Committee on Homeland Security and Governmental Affairs.

Mr. ALLARD. Mr. President, in another area, the events of the past several years remind us of the vital role of first responders in responding to natural disasters and terrorists attacks. It is important that our first responders receive the training needed to make critical, life-saving decisions under emergency circumstances. I believe that an essential element of preparing our first responders is to provide them with hands-on experience in real-world training environments.

The importance of real world training was called to my attention by a visit to the Transportation Technology Training Center, TTC, in Pueblo, CO. There, I witnessed first hand the tools at our Nation's disposal to equip our first responders with the training they need, specifically in the context of rail and mass transit. But our national training consortium does not currently include a facility that is uniquely focused on emergency preparedness within the railroad and mass transit environment. The inclusion of TTC would fill a critical gap in its current training agenda.

TTC is a federally owned, 52-square-mile multimodal testing and training facility in Pueblo, CO, operated by the Association of American Railroads, AAR. Each year, an average of 1,700 first responders travel to Pueblo, CO, to participate in TTC's training program. The facility has trained more than 20,000 students in its 20-year history.

The ERTC is regarded as the ''graduate school'' of hazmat training because of its focus on hands on, true to

life, training exercises on actual rail vehicles, including tank cars and passenger rail cars. The ERTC is uniquely positioned to teach emergency response for railway-related emergencies.

It is for these reasons that today I introduce a bill authorizing the National Domestic Preparedness Consortium, as expanded to include the Transportation Technology Center in Pueblo, CO, and providing for its coordination and use by the Department of Homeland Security in training the Nation's first responders.

By Mr. CARDIN:

S. 137. A bill to amend title XVIII of the Social Security Act to provide additional beneficiary protections; to the Committee on Finance.

Mr. CARDIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 137

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 ''Preserving Medicare for All Act of 2007''.

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

SEC. 2. NEGOTIATION OF PRICES FOR MEDICARE PRESCRIPTION DRUGS.

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

''(i) NEGOTIATION; NO NATIONAL FORMULARY OR PRICE STRUCTURE.—

''(1) NEGOTIATION OF PRICES WITH MANUFACTURERS.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have and exercise authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

''(2) NO NATIONAL FORMULARY OR PRICE STRUCTURE.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.''.

SEC. 3. GUARANTEED PRESCRIPTION DRUG BENEFITS.

(a) IN GENERAL.—Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended to read as follows:

''ASSURING ACCESS TO A CHOICE OF COVERAGE

''SEC. 1860D–3. (a) ACCESS TO A CHOICE OF QUALIFIED PRESCRIPTION DRUG COVERAGE.—

''(1) CHOICE OF AT LEAST THREE PLANS IN EACH AREA.—Beginning on January 1, 2008, the Secretary shall ensure that each part D eligible individual has available, consistent with paragraph (2), a choice of enrollment in—

''(A) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b); and

''(B) at least 2 qualifying plans (as defined in paragraph (3)) in the area in which the individual resides, at least one of which is a prescription drug plan.

''(2) REQUIREMENT FOR DIFFERENT PLAN SPONSORS.—The requirement in paragraph (1)(B) is not satisfied with respect to an area if only one entity offers all the qualifying plans in the area.

''(3) QUALIFYING PLAN DEFINED.—For purposes of this section, the term 'qualifying plan' means—

''(A) a prescription drug plan;

''(B) an MA–PD plan described in section 1851(a)(2)(A)(i) that provides—

''(i) basic prescription drug coverage; or

''(ii) qualified prescription drug coverage that provides supplemental prescription drug coverage so long as there is no MA monthly supplemental beneficiary premium applied under the plan, due to the application of a credit against such premium of a rebate under section 1854(b)(1)(C); or

''(C) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b).

''(b) HHS AS PDP SPONSOR FOR A NATIONWIDE PRESCRIPTION DRUG PLAN.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall take such steps as may be necessary to qualify and serve as a PDP sponsor and to offer a prescription drug plan that offers basic prescription drug coverage throughout the United States. Such a plan shall be in addition to, and not in lieu of, other prescription drug plans offered under this part.

''(2) PREMIUM; SOLVENCY; AUTHORITIES.—In carrying out paragraph (1), the Secretary—

''(A) shall establish a premium in the amount of $35 for months in 2008 and, for months in subsequent years, in the amount specified in this paragraph for months in the previous year increased by the annual percentage increase described in section 1860D–2(b)(6) (relating to growth in medicare prescription drug costs per beneficiary) for the year involved;

''(B) is deemed to have met any applicable solvency and capital adequacy standards; and

''(C) shall exercise such authorities (including the use of regional or other pharmaceutical benefit managers) as the Secretary determines necessary to offer the prescription drug plan in the same or a comparable manner as is the case for prescription drug plans offered by private PDP sponsors.

''(c) FLEXIBILITY IN RISK ASSUMED.—In order to ensure access pursuant to subsection (a) in an area the Secretary may approve limited risk plans under section 1860D–11(f) for the area.''.

(b) CONFORMING AMENDMENT.—Section 1860D–11(g) of the Social Security Act (42 U.S.C. 1395w–111(g)) is amended by adding at the end the following new paragraph:

''(8) APPLICATION.—This subsection shall not apply on or after January 1, 2008.''.

SEC. 4. FULL REIMBURSEMENT FOR QUALIFIED RETIREE PRESCRIPTION DRUG PLANS.

(a) ELIMINATION OF TRUE OUT-OF-POCKET LIMITATION.—Section 1860D–2(b)(4)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)(ii) is amended—

(1) by inserting ''under a qualified retiree prescription drug plan (as defined in section 1860D–22(a)(2)),'' after ''under section 1860D–14,''; and

(2) by inserting '', under such a qualified retiree prescription drug plan,'' after ''(other than under such section''.

(b) EQUALIZATION OF SUBSIDIES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for such increase in the special subsidy payment amounts under section 1860D–22(a)(3) of the Social Security Act (42 U.S.C. 1395w–132(a)(3)) as may be appropriate to provide for payments in the aggregate equivalent to the payments that would have been made under section 1860D–15 of such Act (42 U.S.C. 1395w–115) if the individuals were not enrolled in a qualified retiree prescription drug plan. In making such computation, the Secretary shall not take into account the application of the amendments made by section 1202 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2480).

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on January 1, 2008.

SEC. 5. REPEAL OF COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM.

Subtitle E of title II of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2214), and the amendments made by such subtitle, are repealed.

SEC. 6. REPEAL OF MA REGIONAL PLAN STABILIZATION FUND.

(a) IN GENERAL.—Subsection (e) of section 1858 of the Social Security Act (42 U.S.C. 1395w–27a) is repealed.

(b) CONFORMING AMENDMENT.—Section 1858(f)(1) of the Social Security Act (42 U.S.C. 1395w–27a(f)(1)) is amended by striking ''subject to subsection (e),''.

SEC. 7. REPEAL OF COST CONTAINMENT PROVISIONS.

Subtitle A of title VIII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2357) is repealed and any provisions of law amended by such subtitle are restored as if such subtitle had not been enacted.

SEC. 8. REMOVAL OF EXCLUSION OF BENZODIAZEPINES FROM REQUIRED COVERAGE UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) REMOVAL OF EXCLUSION.—

(1) IN GENERAL.—Section 1860D–2(e)(2) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)) is amended—

(A) by striking ''subparagraph (E)'' and inserting ''subparagraphs (E) and (J)''; and

(B) by inserting ''and benzodiazepines'' after ''smoking cessation agents''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions dispensed on or after January 1, 2008.

(b) REVIEW OF BENZODIAZEPINE PRESCRIPTION POLICIES TO ASSURE APPROPRIATENESS AND TO AVOID ABUSE.—The Secretary of Health and Human Services shall review the policies of Medicare prescription drug plans (and MA–PD plans) under parts C and D of title XVIII of the Social Security Act regarding the filling of prescriptions for

benzodiazepine to ensure that these policies are consistent with accepted clinical guidelines, are appropriate to individual health histories, and are designed to minimize long term use, guard against over-prescribing, and prevent patient abuse.

(c) DEVELOPMENT BY MEDICARE QUALITY IMPROVEMENT ORGANIZATIONS OF EDUCATIONAL GUIDELINES FOR PHYSICIANS REGARDING PRESCRIBING OF BENZODIAZEPINES.—The Secretary of Health and Human Services shall provide, in contracts entered into with Medicare quality improvement organizations under part B of title XI of the Social Security Act, for the development by such organizations of appropriate educational guidelines for physicians regarding the prescribing of benzodiazepines.

By Mrs. BOXER:

S. 146. A bill to require the Federal Government to purchase fuel efficient automobiles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, last year many Americans paid over $3—and in some places in California, $4—for a gallon of gasoline.

At the same time, oil companies made record profits. Enough is enough!

We need to help the American public and reduce our dependence on oil. The Federal Government should be taking the lead on this issue. Sadly, it is not.

In 2005, the Federal Government purchased 64,000 passenger vehicles. According to the U.S. Department of Energy, the average fuel economy of the new vehicles purchased for the fleet in 2005 was an abysmal 21.4 miles per gallon.

Today, hybrid cars on the market can achieve over 50 miles per gallon and SUVs can obtain 36 miles per gallon. The Government's average of 21.4 miles to the gallon is too low.

Instead, our government needs to purchase fuel-efficient cars, SUVs, and light trucks. This can be done today. I drive a Toyota Prius that gets over 50 mpg. The Ford Escape SUV can get 36 mpg.

The Federal Government should be a leader in protecting our environment and national security.

That is why I am reintroducing the Government Fleet Fuel Economy Act. The bill requires the federal government to purchase vehicles that are fuel-efficient to the greatest extent possible.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 148. A bill to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LAUTENBERG. Mr. President, I rise today with great pride to reintroduce legislation which would create a national park in my hometown of Paterson, NJ, The Paterson Great Falls National Park Act of 2007, which I first introduced last year, would bring long-deserved recognition and accessibility to one of our Nation's most beautiful and historic landmarks. I am pleased that my colleague from New Jersey, Senator MENENDEZ, is cosponsoring this legislation.

The Great Falls are located where the Passaic River drops nearly 80 feet straight down, on its course towards New York Harbor. It is one of the tallest and most spectacular waterfalls on the east coast, but the incredible natural beauty of the falls should not overshadow its tremendous importance as the powerhouse of industry in New Jersey and the infant United States. Indeed, in 1778, Alexander Hamilton visited the Great Falls and immediately realized the potential of the falls for industrial applications and development. Hamilton was instrumental in creating the planned community in Paterson—the first of its kind nationwide—centered on the Great Falls, and industry thrived on the power generated by the falls. Rogers Locomotive Works, the premier steam locomotive manufacturer of the 19th century, was located in the shadow of the falls, as were many other vitally important manufacturing enterprises.

President Ford recognized the importance of the area by declaring the falls and its surroundings a ''National Historic Landmark'' in 1976; he called the falls ''a symbol of the industrial might which helps to make the United States the most powerful nation in the world.'' Now, it is time that we recognize the importance of this historic area by making it New Jersey's first national park. This would be of special importance because so few of our national parks are in urban areas. I believe that it is time we acknowledge that many of our most significant national treasures are located in densely populated areas, and creating a national park in Paterson is an ideal opportunity to do just that.

I grew up in Paterson, and I have appreciated the majesty and beauty of the Great Falls for many years. By creating a national park in Paterson, more Americans can be exposed to the exceptional cultural, natural, and historic significance of the Great Falls, and that is why I will passionately advocate for the passage of this bill. I have been delighted to again work with my good friend, Congressman BILL PASCRELL—another longtime resident of Paterson—on this issue, as well as with a bipartisan group of lawmakers from my home State, all of whom believe strongly in this cause. I urge my colleagues to support the passage of this legislation, which is so important to New Jersey and all of America.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 148

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 ''Paterson Great Falls National Park Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Great Falls Historic District in Paterson, New Jersey is the site Alexander Hamilton selected to implement his vision of American economic independence and transform a rural agrarian society based on slavery into a global economy based on freedom.

(2) President Ford announced the designation of the Historic District as a National Historic Landmark in 1976 and declared it ''a symbol of the industrial might which helps to make America the most powerful nation in the world''.

(3) The Historic District was established as a National Historic District in 1996.

(4) Exceptional natural and cultural resources make the Historic District America's only National Historic District that contains both a National Historic Landmark and a National Natural Resource.

(5) The Historic District embodies Hamilton's vision of an American economy based on—

(A) diverse industries to avoid excessive reliance on any single manufactured product;

(B) innovative engineering and technology, including the successful use of water, a renewable energy source, to power industry and manufacturing;

(C) industrial production of goods not only for domestic consumption but also for international trade; and

(D) meritocracy and opportunities for all.

(6) Pierre L'Enfant's water power system at Great Falls and the buildings erected around it over two centuries constitute the finest and most extensive remaining example of engineering, planning, and architectural works that span the entire period of America's growth into an industrial power.

(7) A National Park Service unit in Paterson is necessary to give the American people an opportunity to appreciate the physical beauty and historical importance of the Historic District.

(8) Congress and the National Park Service recognized the national significance of the Historic District through listing on the National Register of Historic Places and designation as a National Historic Landmark and a National Historic District.

(9) The Historic District is suitable for addition to the National Park System because—

(A) the national park will promote themes not adequately represented in National Park System, including aspects of African-American history and the inspiration Great Falls has been for renowned American writers and artists;

(B) the national park will promote civic engagement by attracting and engaging people who currently feel little or no connection to National Parks or the founding fathers;

(C) the national park will interpret America's developing history in the historical and global context; and

(D) the national park will foster partnerships among federal, state and local governments and private donors and non-profit organizations.

(10) The Historic District is a physically and fiscally feasible site for a national park because—

(A) all of the required natural and cultural resources are on property largely owned by local government entities;

(B) it is of a manageable size; and

(C) much of the funding will come from private donors and the State of New Jersey, which has committed substantial sums of money to fund a state park that will assist in the funding of the national park.

(11) The national park provides enormous potential for public use because its location and urban setting make it easily accessible for millions of Americans.

(12) The historic Hinchliffe stadium, adjacent to the Historic District, was home to the New York Black Yankees for many years, including 1933 when it hosted the Colored Championship of the Nation, and it was added to the National Register of Historic Places by the National Park Service in 2004.

(13) Larry Doby played in Hinchliffe Stadium both as a star high school athlete and again as Negro League player, shortly before becoming the first African-American to play in the American League.

(14) A National Park Service unit, in partnership with private donors and state and local governments, represents the most effective and efficient method of preserving the Historic District for the public.

(15) A National Park Service unit in Paterson is necessary to give the Historic District the continuity and professionalism required to attract private donors from across the country.

(16) Though the State of New Jersey will be a strong partner with a significant financial commitment, the State alone cannot preserve the Historic District and present it to the public without a National Park System unit in Paterson.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a unit of the National Park System in Paterson, New Jersey, consisting of the Historic District and historic Hinchliffe Stadium; and

(2) to create partnerships among Federal, State, and local governments, non-profit organizations, and private donors to preserve, enhance, interpret, and promote the cultural sites, historic structures, and natural beauty of the Historic District and the historic Hinchliffe Stadium for the benefit of present and future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) HISTORIC DISTRICT.—The term ''Historic District'' means the Great Falls National Historic District in Paterson, New Jersey, consisting of approximately 118 acres, as specified in the National Register of Historic Places.

(2) NATIONAL PARK.—The term ''national park'' means the Paterson Great Falls National Park established by section 4.

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

(4) MANAGEMENT PLAN.—The term ''management plan'' means the integrated resource management plan prepared pursuant to section 6.

(5) PARTNERSHIP.—The term ''Partnership'' means the Paterson Great Falls National Park Partnership established in section 7.

(6) ADVISORY COUNCIL.—The term ''Advisory Council'' means the Paterson Great Falls National Park Advisory Council established pursuant to section 8.

SEC. 4. PATERSON GREAT FALLS NATIONAL PARK.

(a) ESTABLISHMENT.—There is established in Paterson, New Jersey, the Paterson Great Falls National Park as a unit of the National Park System.

(b) BOUNDARIES.—The boundaries of the national park shall be—

(1) the Historic District as listed on the National Register of Historic Places; and

(2) the historic Hinchliffe Stadium as listed on the National Register of Historic Places.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The national park shall be administered in partnership by the Secretary, the State of New Jersey, City of Paterson and its applicable subdivisions, and others in accordance with the provisions of law generally applicable to units of the National Park System (including the Act of August 25, 1916 (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.)), and in accordance with the management plan.

(b) STATE AND LOCAL JURISDICTION.—Nothing in this section shall be construed to diminish, enlarge, or modify any right of the State of New Jersey or any political subdivision thereof to exercise civil and criminal jurisdiction or to carry out State laws, rules, and regulations within the national park.

(c) COOPERATIVE AGREEMENTS.—

(1) The Secretary may consult and enter into cooperative agreements with the State of New Jersey or its political subdivisions to acquire from and provide to the State or its political subdivisions goods and services to be used in the cooperative management of lands within the national park, if the Secretary determines that appropriations for that purpose are available and the agreement is in the best interest of the United States.

(2) The Secretary, after consultation with the Partnership, may enter into cooperative agreements with owners of property of nationally significant historic or other cultural resources within the national park in order to provide for interpretive exhibits or programs. Such agreements shall provide, whenever appropriate, that—

(A) the public may have access to such property at specified, reasonable times for purposes of viewing property or exhibits or attending programs established by the Secretary under this subsection; and

(B) no changes or alterations shall be made in the properties, except by mutual agreements between the Secretary and the other parties to the agreements.

(d) CONSTRUCTION OF FACILITIES ON NON-FEDERAL LANDS.—In order to facilitate the administration of the national park, the Secretary is authorized, subject to the availability of appropriated funds, to construct essential administrative or visitor use facilities on non-Federal public lands within the national park. Such facilities and the use thereof shall be in conformance with applicable plans

(e) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept and use donated funds, property, and services to carry out this section.

(f) MANAGEMENT IN ACCORDANCE WITH INTEGRATED MANAGEMENT PLAN.—The Secretary shall preserve, interpret, manage, and provide educational and recreational uses for the national park, in consultation with the owners and managers of lands in the national park, in accordance with the management plan.

SEC. 6. INTEGRATED RESOURCE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Partnership shall submit to the Secretary a management plan for the national park to be developed and implemented by the Partnership.

(b) CONTENTS.—The management plan shall include, at a minimum, each of the following:

(1) A program providing for coordinated administration of the national park with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, and local levels, and nonprofit organizations, including each of the following:

(A) A plan to finance and support the public improvements and services recommended in the management plan, including allocation of non-Federal matching requirements and a delineation of profit sector roles and responsibilities.

(B) A program for the coordination and consolidation, to the extent feasible, of activities that may be carried out by Federal, State, and local agencies having jurisdiction over land within the national park, including planning and regulatory responsibilities.

(2) Policies and programs for the following purposes:

(A) Enhancing public recreational and cultural opportunities in the national park.

(B) Conserving, protecting, and maintaining the scenic, historical, cultural, and natural values of the national park.

(C) Developing educational opportunities in the national park.

(D) Enhancing public access to the national park, including development of transportation networks.

(E) Identifying potential sources of revenue from programs or activities carried out within the national park.

(F) Protecting and preserving sites with historical, cultural, natural, Native American and African American significance.

(3) A policy statement that recognizes existing economic activities within the national park.

(c) CONSULTATION AND PUBLIC HEARINGS.—In developing the management plan, the Partnership shall:

(1) Consult on a regular basis with appropriate officials of any local government or Federal or State agency which has jurisdiction over lands within the national park.

(2) Consult with interested conservation, business, professional, and citizen organizations.

(3) Conduct public hearings or meetings for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the management plan.

(d) APPROVAL OF THE MANAGEMENT PLAN.—

(1) IN GENERAL.—The Partnership shall submit the management plan to the Governor of New Jersey for review. The Governor shall have 90 days to review and make any recommendations regarding the management plan. After considering the Governor's recommendations, if any, the Partnership shall submit the plan to the Secretary, who shall approve or disapprove the plan not later than 90 days after receiving the management plan from the Partnership. In reviewing the management plan, the Secretary shall consider each of the following:

(A) The adequacy of public participation.

(B) Assurances from State and local officials regarding implementation of the management plan.

(C) The adequacy of regulatory and financial tools that are in place to implement the management plan.

(2) DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall, not later than 60 days after the date of such disapproval, submit to the Partnership in writing the reasons for the disapproval and recommendations for revision.

Not later than 90 days after receipt of such notice of disapproval and recommendations, the Partnership shall revise and resubmit the management plan to the Secretary who shall approve or disapprove the revision not later than 60 days after receiving the revised management plan.

(3) RESULT OF FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary does not take action within the deadlines set forth in paragraphs (1) or (2), the plan shall be deemed to have been approved.

(e) Prior to adoption of the Partnership's plan, the Secretary and the Partnership shall assist the owners and managers of lands within the national park to ensure that existing programs, services, and activities that promote the purposes of this section are supported.

SEC. 7. PATERSON GREAT FALLS NATIONAL PARK PARTNERSHIP.

(a) ESTABLISHMENT.—There is hereby established the Paterson Great Falls National Historical Park Partnership whose purpose shall be to coordinate the activities of Federal, State, and local authorities and the private sector in the development and implementation of the management plan.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 13 members appointed by the Secretary, of whom—

(A) 4 members shall be appointed by the Secretary from nominees submitted by the Governor of the State of New Jersey;

(B) 2 members shall be appointed by the Secretary from nominees submitted by the City Council of Paterson;

(C) 2 members shall be appointed by the Secretary from the Paterson Great Falls National Park Advisory Board; and

(D) 1 member shall be appointed by the Secretary from nominees submitted by the Board of Chosen Freeholders of Passaic County, New Jersey.

(2) CHAIRPERSON; VICE CHAIRPERSON.—The Partnership shall elect one of its members as Chairperson and one as Vice Chairperson. The term of office of the Chairperson and Vice Chairperson shall be one year. The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(3) VACANCIES.—A vacancy in the Partnership shall be filled in the same manner in which the original appointment was made.

(4) TERMS.—Terms of service—

(A) members of the Partnership shall serve for terms of 3 years and may be reappointed not more than once; and

(B) a member may serve after the expiration of his or her term until a successor has been appointed.

(5) DEADLINE.—The Secretary shall appoint the first members of the Partnership within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsection (b)(1).

(c) COMPENSATION.—Members of the Partnership shall serve without pay, but while away from their homes or regular places of business in the performance of services for the Partnership, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Federal Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) MEETINGS.—The Partnership shall meet at the call of the Chairperson or a majority of its members.

(e) QUORUM.—A majority of the Partnership shall constitute a quorum.

(f) STAFF.—The Secretary shall provide the Partnership with such staff and technical assistance as the Secretary, after consultation with the Partnership, considers appropriate to enable the Partnership to carry out its duties. The Secretary may accept the services of personnel detailed from the State of New Jersey, any political subdivision of the State, or any entity represented on the Partnership.

(g) HEARINGS.—The Partnership may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Partnership may deem appropriate.

(h) DONATIONS.—Notwithstanding any other provision of law, the Partnership may seek and accept donations of funds, property, or services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out this section.

(i) USE OF FUNDS TO OBTAIN MONEY.—The Partnership may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(j) MAILS.—The Partnership may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(k) OBTAINING PROPERTY.—The Partnership may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties, except that the Partnership may not acquire any real property or interest in real property.

(l) COOPERATIVE AGREEMENTS.—For purposes of carrying out the management plan, the Partnership may enter into cooperative agreements with the State of New Jersey, any political subdivision thereof, or with any organization or person.

SEC. 8. PATERSON GREAT FALLS NATIONAL PARK ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary, acting through the Director of the National Park Service, shall establish an advisory committee to be known as the Paterson Great Falls National Park Advisory Council. The purpose of the Advisory Council shall be to represent various groups with interests in the National Park and make recommendations to the Partnership on issues related to the development and implementation of the management plan. The Advisory Council is encouraged to establish committees relating to specific National Park management issues, such as education, tourism, transportation, natural resources, cultural and historic resources, and revenue raising activities. Participation on any such committee shall not be limited to members of the Advisory Council.

(b) MEMBERSHIP.—The Advisory Council shall consist of not fewer than 15 individuals, to be appointed by the Secretary, acting through the Director of the National Park Service. The Secretary shall appoint no fewer than 3 individuals to represent each of the following categories of entities:

(1) Municipalities.

(2) Educational and cultural institutions.

(3) Environmental organizations.

(4) Business and commercial entities, including those related to transportation and tourism.

(5) Organizations representing African American and Native American interests in the Historic District.

(c) PROCEDURES.—Each meeting of the Advisory Council and its committees shall be open to the public.

(d) FACA.—The provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to the Advisory Council.

SEC. 9. FINANCIAL AND TECHNICAL ASSISTANCE.

The Secretary may provide to any owner of property within the National Park containing nationally significant historic or cultural resources, in accordance with cooperative agreements or grant agreements, as appropriate, such financial and technical assistance to mark, interpret, and restore non-Federal properties within the National Park as the Secretary determines appropriate to carry out the purposes of this Act, provided that—

(1) the Secretary, acting through the National Park Service, shall have right of access at reasonable times to public portions of the property covered by such agreements for the purpose of conducting visitors through such properties and interpreting them to the public; and

(2) no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to the agreements.

SEC. 10. ACQUISITION OF LAND.

(a) GENERAL AUTHORITY.—The Secretary may acquire land or interests in land within the boundaries of the National Park by donation, purchase with donated or appropriated funds, or exchange.

(b) STATE PROPERTY.—Property owned by the State of New Jersey or any political subdivision of the State may be acquired only by donation.

(c) CONSENT.—No lands or interests therein within the boundaries of the park may be acquired without the consent of the owner, unless the Secretary determines that the land is being developed, or is proposed to be developed, in a manner which is detrimental to the natural, scenic, historic, and other values for which the park is established.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section, provided that no funds may be appropriated for land acquisition.

(b) MATCHING REQUIREMENT.—Amounts appropriated in any fiscal year to carry out this section may only be expended on a matching basis in a ration of at least 3 non-Federal dollars to every Federal dollar. The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 149. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to join Senator SESSIONS in re-introducing the ''Preserving Crime Victims' Restitution Act.'' The Act would clarify the rule of law and procedures that should be applied when a criminal defendant, such as former Enron CEO Kenneth Lay, dies after he has been duly convicted, but before his appeals are final.

This bill passed the Senate unanimously at the end of the 109th Congress, but unfortunately it was not taken up by the House. Except for minor, technical corrections, this new bill is the same as what the Senate passed in the last Congress, and I urge

my colleagues to speedily pass this bill, as you did before, so that it can be enacted into law.

As I mentioned when I introduced this bill last fall, we have worked closely with the Department of Justice in crafting this legislation, and have used much of DOJ's suggested language. DOJ fully supports the principles contained in this bill, and has indicated that it supports fixing this problem now to ensure that, despite a defendant's death, hard-won convictions are preserved so that restitution remains available for the victims of crime.

This bill would establish that, if a defendant dies after being convicted of a federal offense, his conviction will not be vacated. Instead, the court will be directed to issue a statement that the defendant was convicted—either by a guilty plea or a verdict finding him guilty—but then died before his case or appeal was final.

It would codify the current rule that no further punishments can be imposed on a person who is convicted if they die before a sentence is imposed or they have an opportunity to appeal their conviction. It would clarify that, unlike punishment, other relief (such as restitution to the victims) that could have been sought against a convicted defendant can continue to be pursued and collected after the defendant's death. It would establish a process to ensure that after a person dies, a representative of his estate can challenge or appeal his conviction if they want, and can also secure a lawyer—either on their own or by having one appointed and, if the Government had filed a criminal forfeiture action—in which it had sought to reach the defendant's assets that were linked to his crimes—the Government would get an extra 2 years after the defendant's death to file a civil forfeiture lawsuit so that it could try to recover those same assets in a different, and traditionally-accepted manner.

The need for this legislation was vividly demonstrated on October 17, 2006, when U.S. District Judge Sim Lake, of the Southern District of Texas, wiped clean the criminal record of Enron founder Kenneth Lay, even after a jury and judge had unanimously found him guilty of 10 criminal charges, including securities fraud, wire fraud involving false and misleading statements, bank fraud and conspiracy.

The decision to dismiss Mr. Lay's conviction was not based on any error in the trial, suggestion of unfairness in the proceedings, or allegation of his innocence. Instead, it was simply based on the fact that Mr. Lay died before his conviction had been affirmed on appeal, under a common law rule known as ''abatement.''

In other words, the order essentially meant that Mr. Lay was ''convicted but not guilty''—''innocent by reason of his death.''

Judge Lake granted this dismissal even in the face of DOJ Enron Task Force filings, which noted how Mr. Lay's conviction ''provided the basis for the likely disgorgement of fraud proceeds totaling tens of millions of dollars.'' In other words, the dismissal meant that millions of dollars that the jury found was obtained by Mr. Lay illegally at the expense of former Enron employees and shareholders, would remain untouched in the Lay estate. These employees and shareholders will now find it much harder to lay claim to these ill-gotten gains held by Mr. Lay's estate, because they will be unable to point to his criminal conviction as proof of his wrongdoing.

I do not fault Judge Lake for issuing this order. He made it clear that he was simply following the binding precedent issued in 2004 by the full U.S. Court of Appeals for the 5th Circuit, in a case called United States v. Estate of Parsons.

But as I noted in a letter I wrote to Attorney General Gonzales on October 20, 2006, the Fifth Circuit's Parsons decision goes far beyond the traditional rule of law in this area. While the common-law doctrine of abatement has historically wiped out ''punishments'' following a criminal defendant's death, the Supreme Court has never held that it must also wipe out a victim's right to other forms of relief such as restitution, which simply compensate third parties who were injured by criminal misconduct.

As the six dissenters in Parsons noted, the majority's '' 'finality rationale' is a completely novel judicial creation which has not been embraced or even suggested by . . . other courts.'' The Third and Fourth Circuits, for example, have expressly refused to take this position, and upheld a restitution order after a criminal defendant's death.

The Parsons decision was remarkable in several other respects, including the fact that (as the dissenters noted), its new rule of law was apparently inspired by a single law review article. That academic piece boldly claimed that a criminal defendant's right of appeal is ''evolving into a constitutional right,'' and suggested that a conviction untested by appellate review is unreliable and illegitimate. This notion runs contrary to the traditional rule applied in virtually every other context—where a jury's findings are typically respected under the law.

Of course a defendant is presumed innocent at the outset of his case. After a jury has deliberated and unanimously issued a formal finding of guilt, however, that presumption of innocence no longer stands.

The Parsons ''finality'' rationale even raises the possibility that a defendant who fully admitted his wrongdoing and pleaded guilty, but who then died while an appeal of his sentence was pending, could have his entire criminal conviction erased.

In fact, that has already occurred, in the 1994 case of United States v. Pogue, where the D.C. Circuit ordered the dismissal of a conviction of a defendant whose appeal was pending—even though the docketing statement had said that the defendant intended to challenge only his sentence, and not his underlying conviction.

Following Judge Lake's decision, I sent a letter to the Attorney General, asking him to appeal the order and continue the fight for Enron victims. Unfortunately, the Justice Department decided in November to withdraw its appeal, leaving it up to the victims themselves to pursue any further relief.

I am very disappointed in this decision. These victims have had their livelihoods and retirement stripped from them, and they deserved a Justice Department that was willing to fight vigorously to protect their interests.

Enron's collapse in 2001 wiped out thousands of jobs, more than $60 billion in market value, and more than $2 billion in pension plans. When America's seventh largest company crumbled into bankruptcy after its accounting tricks could no longer hide its billions in debt, countless former Enron employees and shareholders lost their entire life savings after investing in Enron's 401(k) plan.

Many of these Enron victims have been following closely the years of preparation by the Enron Task Force, and the four-month jury trial and separate one-week bench trial, hoping to finally recover some restitution in this criminal case. And despite Mr. Lay's vigorous efforts to avoid being held accountable for his actions, a conviction was finally secured.

Yet now these people have essentially been victimized again. They will be forced to start all over in their efforts to get back some portion of the pension funds on which they expected to subsist, and the other hard-earned assets that will remain beyond their reach, despite the unanimous, hard-fought verdicts finding Mr. Lay guilty of all ten counts with which he had been charged.

I believe in situations like this, leaving the victims without this recourse is an unacceptable outcome. That is why I am introducing this bill to prevent further injustices like this from ever happening again.

While I have no desire for our Government to punish a criminal defendant who dies, the calculation should be different when we are determining how to make up for harm suffered by other innocent victims.

This legislation offers a fair solution and orderly process in the event that a criminal defendant dies prior to his final appeal.

The time has come for Congress to end this injustice—hopefully, by acting

quickly enough to assist these Enron victims, but in any event in a way that will solve the problems that the Lay dismissal so starkly illustrated.

I urge my colleagues in the Senate to quickly pass this bill, as you did in the 109th Congress, so that we can enact it into law in the 110th Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 149

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 ''Preserving Crime Victims' Restitution Act of 2007''.

SEC. 2. EFFECT OF DEATH OF A DEFENDANT IN FEDERAL CRIMINAL PROCEEDINGS.

(a) IN GENERAL.—Subchapter A of chapter 227 of title 18, United States Code, is amended by adding at the end the following:

''§ 3560. Effect of death of a defendant in Federal criminal proceedings

''(a) GENERAL RULE.—Notwithstanding any other provision of law, the death of a defendant who has been convicted of a Federal criminal offense shall not be the basis for abating or otherwise invalidating a plea of guilty or nolo contendere accepted, a verdict returned, a sentence announced, or a judgment entered prior to the death of that defendant, or for dismissing or otherwise invalidating the indictment, information, or complaint on which such a plea, verdict, sentence, or judgment is based, except as provided in this section.

''(b) DEATH AFTER PLEA OR VERDICT.—

''(1) ENTRY OF JUDGMENT.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned, but before judgment is entered, the court shall enter a judgment incorporating the plea of guilty or nolo contendere or the verdict, with the notation that the defendant died before the judgment was entered.

''(2) PUNITIVE SANCTIONS.—

''(A) DEATH BEFORE SENTENCE ANNOUNCED.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned and before a sentence has been announced, no sentence of probation, supervision, or imprisonment may be imposed, no criminal forfeiture may be ordered, and no liability for a fine or special assessment may be imposed on the defendant or the defendant's estate.

''(B) DEATH AFTER SENTENCING OR JUDGMENT.—The death of a defendant after a sentence has been announced or a judgment has been entered, and before that defendant has exhausted or waived the right to a direct appeal—

''(i) shall terminate any term of probation, supervision, or imprisonment, and shall terminate the liability of that defendant to pay any amount remaining due of a criminal forfeiture, of a fine under section 3613(b), or of a special assessment under section 3013; and

''(ii) shall not require return of any portion of any criminal forfeiture, fine, or special assessment already paid.

''(3) RESTITUTION.—

''(A) DEATH BEFORE SENTENCE ANNOUNCED.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned and before a sentence has been announced, the court shall, upon a motion under subsection (c)(2) by the Government or any victim of that defendant's crime, commence a special restitution proceeding at which the court shall adjudicate and enter a final order of restitution against the estate of that defendant in an amount equal to the amount that would have been imposed if that defendant were alive.

''(B) DEATH AFTER SENTENCING OR JUDGMENT.—The death of a defendant after a sentence has been announced shall not be a basis for abating or otherwise invalidating restitution announced at sentencing or ordered after sentencing under section 3664(d)(5) of this title or any other provision of law.

''(4) CIVIL PROCEEDINGS.—The death of a defendant after a plea of guilty or nolo contendere has been accepted, a verdict returned, a sentence announced, or a judgment entered, shall not prevent the use of that plea, verdict, sentence, or judgment in civil proceedings, to the extent otherwise permitted by law.

''(c) APPEALS, MOTIONS, AND PETITIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), after the death of a defendant convicted in a criminal case—

''(A) no appeal, motion, or petition by or on behalf of that defendant or the personal representative or estate of that defendant, the Government, or a victim of that defendant's crime seeking to challenge or reinstate a plea of guilty or nolo contendere accepted, a verdict returned, a sentence announced, or a judgment entered prior to the death of that defendant shall be filed in that case after the death of that defendant; and

''(B) any pending motion, petition, or appeal in that case shall be dismissed with the notation that the dismissal is due to the death of the defendant.

''(2) EXCEPTIONS.—

''(A) RESTITUTION.—If a defendant dies after being convicted in a criminal case but prior to sentencing or the exhaustion or waiver of direct appeal, the personal representative of that defendant, the Government, or any victim of that defendant's crime may file or pursue an otherwise permissible direct appeal, petition for mandamus or a writ of certiorari, or an otherwise permissible motion described in section 3663, 3663A, 3664, or 3771, to the extent that the appeal, petition, or motion raises an otherwise permissible claim to—

''(i) obtain, in a special restitution proceeding, a final order of restitution under subsection (b)(3);

''(ii) enforce, correct, amend, adjust, reinstate, or challenge any order of restitution; or

''(iii) challenge or reinstate a verdict, plea of guilty or nolo contendere, sentence, or judgment on which—

''(I) a restitution order is based; or

''(II) restitution is being or will be sought by an appeal, petition, or motion under this paragraph.

''(B) OTHER CIVIL ACTIONS AFFECTED.—If a defendant dies after being convicted in a criminal case but prior to sentencing or the exhaustion or waiver of direct appeal, the personal representative of that defendant, the Government, or any victim of that defendant's crime may file or pursue an otherwise permissible direct appeal, petition for mandamus or a writ of certiorari, or an otherwise permissible motion under the Federal Rules of Criminal Procedure, to the extent that the appeal, petition, or motion raises an otherwise permissible claim to challenge or reinstate a verdict, plea of guilty or nolo contendere, sentence, or judgment that the appellant, petitioner, or movant shows by a preponderance of the evidence is, or will be, material in a pending or reasonably anticipated civil proceeding, including civil forfeiture proceedings.

''(C) COLLATERAL CONSEQUENCES.—

''(i) IN GENERAL.—Except as provided in subparagraphs (A) and (B), the Government may not restrict any Federal benefits or impose collateral consequences on the estate or a family member of a deceased defendant based solely on the conviction of a defendant who died before that defendant exhausted or waived the right to direct appeal unless, not later than 90 days after the death of that defendant, the Government gives notice to that estate or family member of the intent of the Government to take such action.

''(ii) PERSONAL REPRESENTATIVE.—If the Government gives notice under clause (i), the court shall appoint a personal representative for the deceased defendant that is the subject of that notice, if not otherwise appointed, under section (d)(2)(A).

''(iii) TOLLING.—If the Government gives notice under clause (i), any filing deadline that might otherwise apply against the defendant, the estate of the defendant, or a family member of the defendant shall be tolled until the date of the appointment of that defendant's personal representative under clause (ii).

''(3) BASIS.—In any appeal, petition, or motion under paragraph (2), the death of the defendant shall not be a basis for relief.

''(d) PROCEDURES REGARDING CONTINUING LITIGATION.—

''(1) IN GENERAL.—The standards and procedures for a permitted appeal, petition, motion, or other proceeding under subsection (c)(2) shall be the standards and procedures otherwise provided by law, except that the personal representative of the defendant shall be substituted for the defendant.

''(2) SPECIAL PROCEDURES.—If continuing litigation is initiated or could be initiated under subsection (c)(2), the following procedures shall apply:

''(A) NOTICE AND APPOINTMENT OF PERSONAL REPRESENTATIVE.—The district court before which the criminal case was filed (or the appellate court if the matter is pending on direct appeal) shall—

''(i) give notice to any victim of the convicted defendant under section 3771(a)(2), and to the personal representative of that defendant or, if there is none, the next of kin of that defendant; and

''(ii) appoint a personal representative for that defendant, if not otherwise appointed.

''(B) COUNSEL.—Counsel shall be appointed for the personal representative of a defendant convicted in a criminal case who dies if counsel would have been available to that defendant, or if the personal representative of that defendant requests counsel and otherwise qualifies for the appointment of counsel, under section 3006A.

''(C) TOLLING.—The court shall toll any applicable deadline for the filing of any motion, petition, or appeal during the period beginning on the date of the death of a defendant convicted in a criminal case and ending on the later of—

''(i) the date of the appointment of that defendant's personal representative; or

''(ii) where applicable, the date of the appointment of counsel for that personal representative.

''(D) RESTITUTION.—If restitution has not been fully collected on the date on which a defendant convicted in a criminal case dies—

''(i) any amount owed under a restitution order (whether issued before or after the

death of that defendant) shall be collectible from any property from which the restitution could have been collected if that defendant had survived, regardless of whether that property is included in the estate of that defendant;

''(ii) any restitution protective order in effect on the date of the death of that defendant shall continue in effect unless modified by the court after hearing or pursuant to a motion by the personal representative of that defendant, the Government, or any victim of that defendant's crime; and

''(iii) upon motion by the Government or any victim of that defendant's crime, the court shall take any action necessary to preserve the availability of property for restitution under this section.

''(e) FORFEITURE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the death of an individual does not affect the Government's ability to seek, or to continue to pursue, civil forfeiture of property as authorized by law.

''(2) TOLLING OF LIMITATIONS FOR CIVIL FORFEITURE.—Notwithstanding the expiration of any civil forfeiture statute of limitations or any time limitation set forth in section 983(a) of this title, not later than the later of the time period otherwise authorized by law and 2 years after the date of the death of an individual against whom a criminal indictment alleging forfeiture is pending, the Government may commence civil forfeiture proceedings against any interest in any property alleged to be forfeitable in the indictment of that individual.

''(f) DEFINITIONS.—In this section—

''(1) the term 'accepted', relating to a plea of guilty or nolo contendere, means that a court has determined, under rule 11(b) of the Federal Rules of Criminal Procedure, that the plea is voluntary and supported by a factual basis, regardless of whether final acceptance of that plea may have been deferred pending review of a presentence report or otherwise;

''(2) the term 'announced', relating to a sentence, means that the sentence has been orally stated in open court;

''(3) the term 'convicted' refers to a defendant—

''(A) whose plea of guilty or nolo contendere has been accepted; or

''(B) against whom a verdict of guilty has been returned;

''(4) the term 'direct appeal' means an appeal filed, within the period provided by rule 4(b) of the Federal Rules of Appellate Procedure, from the entry of the judgment or order of restitution, including review by the Supreme Court of the United States; and

''(5) the term 'returned', relating to a verdict, means that the verdict has been orally stated in open court.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 227 of title 18, United States Code, is amended by adding at the end the following:

''3560. Effect of death of a defendant in Federal criminal proceedings.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to any criminal case or appeal pending on or after July 1, 2007.

SEC. 4. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 150. A bill to amend the safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing legislation that would order EPA to promptly establish a health advisory and then a drinking water standard for perchlorate. I am pleased that the Senior Senator from California, Mrs. FEINSTEIN, and the Senior Senator from New Jersey, Mr. LAUTENBERG, have joined as original cosponsors of this measure.

This legislation will require the U.S. Environmental Protection Agency (EPA) to establish a standard for perchlorate contamination in drinking water supplies by December 31, 2007. EPA still has not committed to establishing a tap water standard for this widespread contaminant, decades after learning that perchlorate is a problem in our drinking water.

Perchlorate is a clear and present danger to California's and much of America's health. We cannot wait any longer to address this threat. EPA needs to get moving and protect our drinking water now.

Drinking water sources for more than 20 million Americans are contaminated with perchlorate. Perchlorate is the main ingredient in rocket fuel, which accounts for 90 percent of its use. Perchlorate is also used for ammunition, fireworks, highway safety flares, air bags, and fertilizers. It dissolves readily in many liquids, including water, and moves easily and quickly through the ground.

Perchlorate was first discovered in drinking water in 1957, and at the latest in the mid-1980s, EPA was aware that perchlorate contaminates drinking water. Since 1997, when California developed a new, more sensitive testing method that can detect perchlorate down to 4 parts per billion, perchlorate has been found in soil, groundwater, and surface water throughout the U.S.

According to a May 2005 report from the Government Accountability Office, perchlorate contamination has been detected in water and soil at almost 400 sites in the U.S., with levels ranging from 4 parts per billion to millions of parts per billion.

GAO also said that limited EPA data show that perchlorate has polluted 35 States and the District of Columbia, and is known to have contaminated 153 public water systems in 26 States. Those data likely underestimate total exposure, as illustrated by the finding of the California Department of Health Services that perchlorate contamination has affected at least 276 drinking water wells sources and 77 drinking water systems in California alone.

The Food and Drug Administration and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk.

Perchlorate can harm human health, especially in pregnant women and children, by interfering with thyroid gland, which is needed to produce important hormones that help control human health and development. The thyroid helps to ensure children's proper mental and physical development, in addition to helping to control metabolism. Thyroid problems in expectant mothers or infants can affect babies, and result in delayed development and decreased learning capability.

The largest and most comprehensive study to date on the effects of low levels of perchlorate exposure in women was recently published by researchers from the Centers for Disease Control and Prevention (CDC). CDC found that there were significant changes in thyroid hormones in women with low iodine levels who were exposed to perchlorate. The CDC researchers also found that even small increases in low-level perchlorate exposure may affect the thyroid's production of hormones in iodine deficient women. About 36 percent of women in the U.S. have iodine levels equal to or below those of the women in the study.

EPA has not established a health advisory or national primary drinking water regulation for perchlorate. Instead, the agency has established a ''Drinking Water Equivalent Level'' (DWEL) of 24.5 parts per billion for this toxin. The agency's DWEL does not take into consideration all routes of exposure to perchlorate, and has been criticized by experts for failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain pregnant women and fetuses, infants, and children. It is based primarily upon a small human study by Greer et al., which tested a small number of adults. The DWEL also does not take into account the new much larger studies from CDC, and other data indicating potential effects at lower perchlorate levels than previously found.

Alarming levels of perchlorate have been discovered in Lake Mead and the Colorado River, the drinking water source for millions of Southern Californians. Communities in the Inland Empire, San Gabriel Valley, Santa Clara Valley, and the Sacramento area are also grappling with perchlorate contamination.

My bill will ensure that EPA acts swiftly to address this threat to our health and welfare. I look forward to working with my colleagues to pass this important piece of legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 150

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 ''Protecting Pregnant Women and Children From Perchlorate Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) perchlorate—

(A) is a chemical used as the primary ingredient of solid rocket propellant;

(B) is also used in fireworks, road flares, and other applications.

(2) waste from the manufacture and improper disposal of chemicals containing perchlorate is increasingly being discovered in soil and water;

(3) according to the Government Accountability Office, perchlorate contamination has been detected in water and soil at almost 400 sites in the United States, with concentration levels ranging from 4 parts per billion to millions of parts per billion;

(4) the Government Accountability Office has determined that the Environmental Protection Agency does not centrally track or monitor perchlorate detections or the status of perchlorate cleanup, so a greater number of contaminated sites may already exist;

(5) according to the Government Accountability Office, limited Environmental Protection Agency data show that perchlorate has been found in 35 States and the District of Columbia and is known to have contaminated 153 public water systems in 26 States;

(6) those data are likely underestimates of total drinking water exposure, as illustrated by the finding of the California Department of Health Services that perchlorate contamination sites have affected approximately 276 drinking water sources and 77 drinking water systems in the State of California alone;

(7) Food and Drug Administration scientists and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk;

(8)(A) perchlorate can harm human health, especially in pregnant women and children, by interfering with uptake of iodide by the thyroid gland, which is necessary to produce important hormones that help control human health and development;

(B) in adults, the thyroid helps to regulate metabolism;

(C) in children, the thyroid helps to ensure proper mental and physical development; and

(D) impairment of thyroid function in expectant mothers or infants may result in effects including delayed development and decreased learning capability;

(9)(A) in October 2006, researchers from the Centers for Disease Control and Prevention published the largest, most comprehensive study to date on the effects of low levels of perchlorate exposure in women, finding that—

(i) significant changes existed in thyroid hormones in women with low iodine levels who were exposed to perchlorate; and

(ii) even low-level perchlorate exposure may affect the production of hormones by the thyroid in iodine-deficient women; and

(B) in the United States, about 36 percent of women have iodine levels equivalent to or below the levels of the women in the study described in subparagraph (A); and

(10) the Environmental Protection Agency has not established a health advisory or national primary drinking water regulation for perchlorate, but instead established a ''Drinking Water Equivalent Level'' of 24.5 parts per billion for perchlorate, which—

(A) does not take into consideration all routes of exposure to perchlorate;

(B) has been criticized by experts as failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain pregnant women and fetuses, infants, and children; and

(C) is based primarily on a small study and does not take into account new, larger studies of the Centers for Disease Control and Prevention or other data indicating potential effects at lower perchlorate levels than previously found.

(b) PURPOSES.—The purposes of this Act are—

(1) to require the Administrator of the Environmental Protection Agency to establish, by not later than 90 days after the date of enactment of this Act, a health advisory for perchlorate in drinking water that fully protects pregnant women, fetuses, infants, and children, taking into consideration body weight and exposure patterns and all routes of exposure to perchlorate; and

(2) to require the Administrator of the Environmental Protection Agency to establish promptly a national primary drinking water regulation for perchlorate that fully protects pregnant women, fetuses, infants, and children, taking into consideration body weight and exposure patterns and all routes of exposure to perchlorate.

SEC. 3. HEALTH ADVISORY AND NATIONAL PRIMARY DRINKING WATER REGULATION FOR PERCHLORATE.

Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(12)) is amended by adding at the end the following:

''(C) PERCHLORATE.—

''(i) SCHEDULE, HEALTH ADVISORY, AND STANDARD.—Notwithstanding any other provision of this section, the Administrator shall publish a health advisory and promulgate a national primary drinking water regulation for perchlorate, in accordance with the schedule and provisions established by this subparagraph, that fully protect, with an adequate margin of safety, the health of vulnerable persons (including pregnant women, fetuses, infants, and children), taking into consideration body weight, exposure patterns, and all routes of exposure.

''(ii) HEALTH ADVISORY.—Not later than 90 days after the date of enactment of this subparagraph, the Administrator shall publish a health advisory for perchlorate in accordance with clause (i).

''(iii) PROPOSED REGULATIONS.—Not later than August 1, 2007, the Administrator shall propose a national primary drinking water regulation for perchlorate in accordance with clause (i).

''(iv) FINAL REGULATIONS.—Not later than December 31, 2007, after providing notice and an opportunity for public comment, the Administrator shall promulgate a national primary drinking water regulation for perchlorate in accordance with clause (i).''.

By Mrs. BOXER:

S. 152. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the educational system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to reintroduce the Early Education Act. This bill will enable children across our nation to be prepared with the initial skills and abilities to successfully begin their education.

I strongly believe that there should be a national commitment to establish that all children have access to high quality prekindergarten programs. This bill is a step forward in making that possible.

Of the nearly 8 million and 3- and 4-year-olds that could be in early education, fewer than half are enrolled in an early education program. In my State of California alone, just 65 percent of 4-year-olds are in preschool.

The result is that too many children come to school ill-prepared to learn. They lack language and social skills. Almost all experts now agree that an early education experience is one of the most effective strategies for improving later school performance.

Researchers have discovered that children have a learning capacity that can and should be developed at a much earlier age than was previously thought. The National Research Council reported that prekindergarten educational opportunities are critical in developing early language and literacy skills and preventing reading difficulties in young children.

Furthermore, studies have shown that children who participate in prekindergarten programs are less likely to be held back a grade, show greater learning retention and initiative, have better social skills, are more enthusiastic about school, and are more likely to have good attendance records.

In fact, prekindergarten programs pay for themselves in long-term benefits. It is estimated that for every dollar invested in early education, about $7 are saved in later costs.

My bill, the Early Education Act, would create a program in at least 10 States to provide one year of prekindergarten early education in the public schools. There is a 50 percent matching requilement, and the $300 million authorized annually under this bill would be used by States to supplement—not supplant—other Federal, State or local funds. This bill would serve approximately 136,000 children.

Our children need a solid foundation that builds on current education system by providing them with early learning skills. I urge my colleagues to support this legislation.

By Mrs. BOXER:

S. 153. A bill to provide for the monitoring of the long-term medical health of firefighters who responded to emergencies in certain disaster areas and

for the treatment of such firefighters; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I introduce the Healthy Firefighters Act, an important bill that would protect the firefighters who respond to emergencies. The bill is inspired by the brave firefighters from the San Jacinto Ranger District, who responded to the Esperanza Incident wildfire in southern California in October of 2006.

We rely on firefighters to protect us when disaster strikes, and they selflessly place themselves in danger to provide that protection. One danger they face in the course of performing their duties is exposure to toxins—including fine particulates, carbon monoxide, sulfur, formaldehyde, mercury, heavy metals, and benzene—that can have a significant negative effect on their health.

We owe it to this country's brave firefighters to minimize their sacrifice for our safety, to the greatest extent possible. My bill would require the U.S. Fire Administrator to contract with a medical research university to conduct long-term medical health monitoring of firefighters who responded to emergencies in any areas declared a disaster by the Federal Government, and provide healthcare for those firefighters who suffer health problems as a consequence of their work in those disaster areas. Pulmonary illness, neurological damage, and cardiovascular damage are examples of illnesses for which firefighters would be monitored and treated under this bill.

I urge my colleagues to consider and pass this bill to benefit firefighters, who are among this country's most heroic citizens.

By Mr. BUNNING (for himself, Mr. OBAMA, Mr. LUGAR, Mr. PRYOR, Ms. MURKOWSKI, Mr. BOND, Mr. THOMAS, Mr. MARTINEZ, Mr. ENZI, Ms. LANDRIEU, and Mr. CRAIG):

S. 154. A bill to promote coal-to-liquid fuel activities; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, I rise today to introduce the Coal-to-Liquid Fuel Promotion Act of 2007.

For too long, America has ignored its energy security. Many of us can remember the energy crises of the 1970s. We were held ransom by a monopolistic oil cartel and forced to endure shortages, gas lines, and high prices. In the early 1980s, just as America began to invest in alternative fuels, the oil-producing states of the world crashed prices to make new technology uncompetitive.

During most of the last 25 years, we have enjoyed low prices and plentiful supply, but we have paid a price. Today, we find America is addicted to oil.

Since September 11, we have seen the fragile state of our energy markets. Domestic disasters and terrorism can send energy prices spiraling out of control. Our energy resources are stretched to the limits, and small supply disruptions ripple through the entire economy. America needs a secure domestic source to ease our dependency on imported oil.

That is why today I am reintroducing my bill, the Coal-to-Liquid Fuel Promotion Act with the current Presiding Officer, Senator OBAMA of Illinois. I have worked with the coal and fuel industries, the Department of Defense, and environmental groups to identify the needs of the coal-to-liquid industry and the best way for the Government to support the coal-to-liquid development.

Coal has long been America's most abundant fuel resource and has driven our economic growth since the industrial revolution. In the coal-to-liquid process, coal is gasified, the gas is run through the FischerTropsch process, and the resulting fuel is refined into jet fuel and diesel fuel. The final product is cleaner than conventional fuels because nearly all of the sulfur and nitrogen is removed.

While this technology is just taking root in America, South Africa meets 30 percent of its fuel needs with coal. CTL technology lets America capitalize on a domestic resource that will fuel economic growth and produce the energy security required in today's world. Many of my colleagues may ask one question right now: If this technology is so great and could replace expensive imports from the Middle East, why hasn't it been done already? The answer is simple: costs and market uncertainty.

A typical size CTL plant costs more than $2 billion to construct. With complicated plans and environmental permits, a new plant could take 5 to 8 years to build. This is a challenge for even the biggest risk-takers on Wall Street. Raising the capital needed to develop a new technology is always difficult, but the multibillion dollar investment scale of a CTL plant has made it nearly impossible.

On top of this is the uncertainty of the price of oil. America has seen oil prices rise dramatically in the last few years. But investors are concerned that oil prices could drop to the low levels of the 1980s and make CTL plants uncompetitive again. I believe oil prices will stay above the price range that keeps CTL profitable, which is estimated to be between $40 and $50 per barrel. But even if oil prices were to drop that low in the next few decades, I believe CTL would more than pay for itself by insulating us from supply shocks and providing a secure domestic fuel supply for the military, businesses such as airlines and trucking, and the average American's car.

The Federal Government must act to help industry overcome these hurdles. This legislation will provide a combination of incentives to create a network of coal-to-liquid production in the United States.

The Coal-to-Liquid Fuel Promotion Act of 2007 has three parts. First, this bill addresses the need to pull together the investors and the billions of dollars required to build a CTL plant. It expands and enhances the Department of Energy's loan guarantee program included in the Energy Policy Act we passed in 2005. It expressly authorizes DOE to administer loan guarantees for the Nation's first CTL plants. These plants must be large scale, which is a minimum production of 10,000 barrels a day of liquid fuel. This program is only for the first 10 commercial plants. By then, we should have proven the economics of this technology and no further incentives will be needed.

It also provides a new program of matching loans. The loans are capped at $20 million and must be matched dollar-for-dollar by non-Federal money. They must be repaid as soon as the plants are financed.

Second, this legislation would fundamentally alter the economics of CTL plants during and after construction. It expands the investment tax credits and expensing provisions enacted in the Energy Policy Act of 2005. It increases the 20-percent tax credit for CTL plants to a maximum of $200 million for each of the first 10 CTL plants. It also extends the expiring exploration of the fuel excise tax credits for CTL from 2009 to 2020. The current provisions will expire long before the first CTL plant is even operational. This extension will provide a meaningful timeframe for CTL plants to benefit from the same tax incentives we offer renewable and hydrogen fuels.

This bill also provides an incentive for CTL plants to capture carbon emissions. We can use CO_2 to produce oil in depleted wells or extract coalbed methane.

Third, this bill provides the Department of Defense the funding to purchase, test, and integrate CTL fuels into the military. In the last few months, the Air Force has successfully tested CTL fuels in B–52 bombers. These tests are proving to the DOD and to industry that CTL fuels are as safe and reliable as the fuels produced today.

This legislation also instructs the DOD to conduct a study on CTL fuel storage and its inclusion in the Strategic Petroleum Reserve.

It authorizes the construction of storage facilities for CTL fuel and allows the Strategic Petroleum Reserve to hold up to 20 percent of its stock in the form of CTL-finished fuels.

By combining the abilities of the Department of Energy and the Department of Defense with incentives in the Tax Code, I am confident this legislation will help Kentucky, and America,

become the world leaders in coal-to-liquid fuel promotion. This coal-to-liquid fuel legislation made headlines during the summer of 2006 when gas prices were at a near record high. Yet when prices fell, the pressure to pass this legislation also decreased. We have been very lucky that a mild winter has held down demand. We will not always be this lucky.

No matter what energy prices are, America needs a domestic source of fuel. This year alone we will send $250 billion to foreign countries, mostly in the Middle East, just to buy oil. Imagine what we could have done here at home with trillions of dollars we have spent on oil in the last few decades.

There is no room for politics in energy security. In the 110th Congress, Senator OBAMA and I will work hard with all of our colleagues to pass this important legislation. I especially look forward to working with my new chairman in the Energy Committee, Senator BINGAMAN, and my ranking member, Senator DOMENICI, on this important bill.

I now send to the desk the Coal-to-Liquid Fuel Promotion Act of 2007 and the related Coal-to-Liquid Fuel Energy Act of 2007. I ask unanimous consent these two bills be printed with my remarks in the RECORD.

The PRESIDING OFFICER. without objection, the bills will be received and appropriately referred.

Mr. CONRAD. Mr. President, first I commend my colleague from Kentucky for his legislation. This is an area in which I have had a continuing interest as well. I salute him because one of the great challenges facing our Nation is to dramatically reduce our dependence on foreign energy. That is in our energy interest, it is in our economic interest, it is in our vital security interest. I commend my colleague from Kentucky for coming to the floor and offering his proposal on what we could do to make progress. I thank the Senator.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 154

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 ''Coal-to-Liquid Fuel Energy Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COAL-TO-LIQUID.—The term ''coal-to-liquid'' means—

(A) with respect to a process or technology, the use of a feedstock, the majority of which is the coal resources of the United States, using the class of reactions known as Fischer-Tropsch, to produce synthetic fuel suitable for transportation; and

(B) with respect to a facility, the portion of a facility related to producing the inputs to the Fischer-Tropsch process, the Fischer-Tropsch process, finished fuel production, or the capture, transportation, or sequestration of byproducts of the use of a feedstock that is primarily domestic coal at the Fischer-Tropsch facility, including carbon emissions.

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

SEC. 3. COAL-TO-LIQUID FUEL LOAN GUARANTEE PROGRAM.

(a) ELIGIBLE PROJECTS.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

''(11) Large-scale coal-to-liquid facilities (as defined in section 2 of the Coal-to-Liquid Fuel Energy Act of 2007) that use a feedstock, the majority of which is the coal resources of the United States, to produce not less than 10,000 barrels a day of liquid transportation fuel.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended by adding at the end the following:

''(c) COAL-TO-LIQUID PROJECTS.—

''(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees for projects involving large-scale coal-to-liquid facilities under section 1703(b)(11).

''(2) ALTERNATIVE FUNDING.—If no appropriations are made available under paragraph (1), an eligible applicant may elect to provide payment to the Secretary, to be delivered if and at the time the application is approved, in the amount of the estimated cost of the loan guarantee to the Federal Government, as determined by the Secretary.

''(3) LIMITATIONS.—

''(A) IN GENERAL.—No loan guarantees shall be provided under this title for projects described in paragraph (1) after (as determined by the Secretary)—

''(i) the tenth such loan guarantee is issued under this title; or

''(ii) production capacity covered by such loan guarantees reaches 100,000 barrels per day of coal-to-liquid fuel.

''(B) INDIVIDUAL PROJECTS.—

''(i) IN GENERAL.—A loan guarantee may be provided under this title for any large-scale coal-to-liquid facility described in paragraph (1) that produces no more than 20,000 barrels of coal-to-liquid fuel per day.

''(ii) NON-FEDERAL FUNDING REQUIREMENT.—To be eligible for a loan guarantee under this title, a large-scale coal-to-liquid facility described in paragraph (1) that produces more than 20,000 barrels per day of coal-to-liquid fuel shall be eligible to receive a loan guarantee for the proportion of the cost of the facility that represents 20,000 barrels of coal-to-liquid fuel per day of production.

''(4) REQUIREMENTS.—

''(A) GUIDELINES.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish guidelines for the coal-to-liquids loan guarantee application process.

''(B) APPLICATIONS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall begin to accept applications for coal-to-liquid loan guarantees under this subsection.

''(C) DEADLINE.—Not later than 1 year from the date of acceptance of an application under subparagraph (B), the Secretary shall evaluate the application and make final determinations under this subsection.

''(5) REPORTS TO CONGRESS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the status of the program under this subsection not later than each of—

''(A) 180 days after the date of enactment of this subsection;

''(B) 1 year after the date of enactment of this subsection; and

''(C) the dates on which the Secretary approves the first and fifth applications for coal-to-liquid loan guarantees under this subsection.''.

SEC. 4. COAL-TO-LIQUID FACILITIES LOAN PROGRAM.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term ''eligible recipient'' means an individual, organization, or other entity that owns, operates, or plans to construct a coal-to-liquid facility that will produce at least 10,000 barrels per day of coal-to-liquid fuel.

(b) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide loans, in a total amount not to exceed $20,000,000, for use by eligible recipients to pay the Federal share of the cost of obtaining any services necessary for the planning, permitting, and construction of a coal-to-liquid facility.

(c) APPLICATION.—To be eligible to receive a loan under subsection (b), the eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) NON-FEDERAL MATCH.—To be eligible to receive a loan under this section, an eligible recipient shall use non-Federal funds to provide a dollar-for-dollar match of the amount of the loan.

(e) REPAYMENT OF LOAN.—

(1) IN GENERAL.—To be eligible to receive a loan under this section, an eligible recipient shall agree to repay the original amount of the loan to the Secretary not later than 5 years after the date of the receipt of the loan.

(2) SOURCE OF FUNDS.—Repayment of a loan under paragraph (1) may be made from any financing or assistance received for the construction of a coal-to-liquid facility described in subsection (a), including a loan guarantee provided under section 1703(b)(11) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)(11)).

(f) REQUIREMENTS.—

(1) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidelines for the coal-to-liquids loan application process.

(2) APPLICATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin to accept applications for coal-to-liquid loans under this section.

(g) REPORTS TO CONGRESS.—Not later than each of 180 days and 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the status of the program under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

SEC. 5. LOCATION OF COAL-TO-LIQUID MANUFACTURING FACILITIES.

The Secretary, in coordination with the head of any affected agency, shall promulgate such regulations as the Secretary determines to be necessary to support the development on Federal land (including land of the Department of Energy, military bases,

and military installations closed or realigned under the defense base closure and realignment) of coal-to-liquid manufacturing facilities and associated infrastructure, including the capture, transportation, or sequestration of carbon dioxide.

SEC. 6. STRATEGIC PETROLEUM RESERVE.

(a) DEVELOPMENT, OPERATION, AND MAINTENANCE OF RESERVE.—Section 159 of the Energy Policy and Conservation Act (42 U.S.C. 6239) is amended—

(1) by redesignating subsections (f), (g), (j), (k), and (l) as subsections (a), (b), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) (as redesignated by paragraph (1)) the following:

''(c) STUDY OF MAINTAINING COAL-TO-LIQUID PRODUCTS IN RESERVE.—Not later than 1 year after the date of enactment of the Coal-to-Liquid Fuel Energy Act of 2007, the Secretary and the Secretary of Defense shall—

''(1) conduct a study of the feasibility and suitability of maintaining coal-to-liquid products in the Reserve; and

''(2) submit to the Committee on Energy and Natural Resources and the Committee on Armed Services of the Senate and the Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives a report describing the results of the study.

''(d) CONSTRUCTION OF STORAGE FACILITIES.—As soon as practicable after the date of enactment of the Coal-to-Liquid Fuel Energy Act of 2007, the Secretary may construct 1 or more storage facilities—

''(1) in the vicinity of pipeline infrastructure and at least 1 military base; but

(b) PETROLEUM PRODUCTS FOR STORAGE IN RESERVE.—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting a semicolon at the end;

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

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) coal-to-liquid products (as defined in section 2 of the Coal-to-Liquid Fuel Energy Act of 2007), as the Secretary determines to be appropriate, in a quantity not to exceed 20 percent of the total quantity of petroleum and petroleum products in the Reserve.'';

(2) in subsection (b), by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(3) by redesignating subsections (f) and (h) as subsections (d) and (e), respectively.

(c) CONFORMING AMENDMENTS.—Section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (2) (as redesignated by subparagraph (A)), by striking ''section 160(f)'' and inserting ''section 160(e)''; and

(2) in subsection (d), in the matter preceding paragraph (1), by striking ''section 160(f)'' and inserting ''section 160(e)''.

SEC. 7. AUTHORIZATION TO CONDUCT RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION OF ASSURED DOMESTIC FUELS.

Of the amount authorized to be appropriated for the Air Force for research, development, testing, and evaluation, $10,000,000 may be made available for the Air Force Research Laboratory to continue support efforts to test, qualify, and procure synthetic fuels developed from coal for aviation jet use.

SEC. 8. COAL-TO-LIQUID LONG-TERM FUEL PROCUREMENT AND DEPARTMENT OF DEFENSE DEVELOPMENT.

Section 2398a of title 10, United States Code is amended—

(1) in subsection (b)—

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

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) COAL-TO-LIQUID PRODUCTION FACILITIES.—

''(A) IN GENERAL.—The Secretary of Defense may enter into contracts or other agreements with private companies or other entities to develop and operate coal-to-liquid facilities (as defined in section 2 of the Coal-to-Liquid Fuel Energy Act of 2007) on or near military installations.

''(B) CONSIDERATIONS.—In entering into contracts and other agreements under subparagraph (A), the Secretary shall consider land availability, testing opportunities, and proximity to raw materials.'';

(2) in subsection (d)—

(A) by striking ''Subject to applicable provisions of law, any'' and inserting ''Any''; and

(B) by striking ''1 or more years'' and inserting ''up to 25 years''; and

(3) by adding at the end the following:

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

SEC. 9. REPORT ON EMISSIONS OF FISCHER-TROPSCH PRODUCTS USED AS TRANSPORTATION FUELS.

(a) IN GENERAL.—In cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Defense, the Administrator of the Federal Aviation Administration, and the Secretary of Health and Human Services, the Secretary shall—

(1) carry out a research and demonstration program to evaluate the emissions of the use of Fischer-Tropsch fuel for transportation, including diesel and jet fuel;

(2) evaluate the effect of using Fischer-Tropsch transportation fuel on land and air engine exhaust emissions; and

(3) in accordance with subsection (e), submit to Congress a report on the effect on air quality and public health of using Fischer-Tropsch fuel in the transportation sector.

(b) GUIDANCE AND TECHNICAL SUPPORT.—The Secretary shall issue any guidance or technical support documents necessary to facilitate the effective use of Fischer-Tropsch fuel and blends under this section.

(c) FACILITIES.—For the purpose of evaluating the emissions of Fischer-Tropsch transportation fuels, the Secretary shall—

(1) support the use and capital modification of existing facilities and the construction of new facilities at the research centers designated in section 417 of the Energy Policy Act of 2005 (42 U.S.C. 15977); and

(2) engage those research centers in the evaluation and preparation of the report required under subsection (a)(3).

(d) REQUIREMENTS.—The program described in subsection (a)(1) shall consider—

(1) the use of neat (100 percent) Fischer-Tropsch fuel and blends of Fischer-Tropsch fuels with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(2) the production costs associated with domestic production of those fuels and prices for consumers.

(e) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) not later than 180 days after the date of enactment of this Act, an interim report on actions taken to carry out this section; and

(2) not later than 1 year after the date of enactment of this Act, a final report on actions taken to carry out this section.

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

By Mr. BUNNING (for himself, Mr. OBAMA, Mr. LUGAR, Mr. PRYOR, Ms. MURKOWSKI, Mr. BOND, Mr. THOMAS, Mr. MARTINEZ, Mr. ENZI, Ms. LANDRIEU, and Mr. CRAIG):

S. 155. A bill to promote coal-to-liquid fuel activities; to the Committee on Finance.

Mr. BUNNING. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 155

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 ''Coal-to-Liquid Fuel Promotion Act of 2007''.

TITLE I—COAL-TO-LIQUID FUEL ACTIVITIES

SEC. 101. DEFINITIONS.

In this title:

(1) COAL-TO-LIQUID.—The term ''coal-to-liquid'' means—

(A) with respect to a process or technology, the use of a feedstock, the majority of which is the coal resources of the United States, using the class of reactions known as Fischer-Tropsch, to produce synthetic fuel suitable for transportation; and

(B) with respect to a facility, the portion of a facility related to producing the inputs to the Fischer-Tropsch process, the Fischer-Tropsch process, finished fuel production, or the capture, transportation, or sequestration of byproducts of the use of a feedstock that is primarily domestic coal at the Fischer-Tropsch facility, including carbon emissions.

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

SEC. 102. COAL-TO-LIQUID FUEL LOAN GUARANTEE PROGRAM.

(a) ELIGIBLE PROJECTS.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

''(11) Large-scale coal-to-liquid facilities (as defined in section 101 of the Coal-to-Liquid Fuel Promotion Act of 2007) that use a feedstock, the majority of which is the coal resources of the United States, to produce not less than 10,000 barrels a day of liquid transportation fuel.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended by adding at the end the following:

''(c) COAL-TO-LIQUID PROJECTS.—

''(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees for projects involving large-scale coal-to-liquid facilities under section 1703(b)(11).

''(2) ALTERNATIVE FUNDING.—If no appropriations are made available under paragraph (1), an eligible applicant may elect to

provide payment to the Secretary, to be delivered if and at the time the application is approved, in the amount of the estimated cost of the loan guarantee to the Federal Government, as determined by the Secretary.

''(3) LIMITATIONS.—

''(A) IN GENERAL.—No loan guarantees shall be provided under this title for projects described in paragraph (1) after (as determined by the Secretary)—

''(i) the tenth such loan guarantee is issued under this title; or

''(ii) production capacity covered by such loan guarantees reaches 100,000 barrels per day of coal-to-liquid fuel.

''(B) INDIVIDUAL PROJECTS.—

''(i) IN GENERAL.—A loan guarantee may be provided under this title for any large-scale coal-to-liquid facility described in paragraph (1) that produces no more than 20,000 barrels of coal-to-liquid fuel per day.

''(ii) NON-FEDERAL FUNDING REQUIREMENT.—To be eligible for a loan guarantee under this title, a large-scale coal-to-liquid facility described in paragraph (1) that produces more than 20,000 barrels per day of coal-to-liquid fuel shall be eligible to receive a loan guarantee for the proportion of the cost of the facility that represents 20,000 barrels of coal-to-liquid fuel per day of production.

''(4) REQUIREMENTS.—

''(A) GUIDELINES.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish guidelines for the coal-to-liquids loan guarantee application process.

''(B) APPLICATIONS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall begin to accept applications for coal-to-liquid loan guarantees under this subsection.

''(C) DEADLINE.—Not later than 1 year from the date of acceptance of an application under subparagraph (B), the Secretary shall evaluate the application and make final determinations under this subsection.

''(5) REPORTS TO CONGRESS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the status of the program under this subsection not later than each of—

''(A) 180 days after the date of enactment of this subsection;

''(B) 1 year after the date of enactment of this subsection; and

''(C) the dates on which the Secretary approves the first and fifth applications for coal-to-liquid loan guarantees under this subsection.''.

SEC. 103. COAL-TO-LIQUID FACILITIES LOAN PROGRAM.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term ''eligible recipient'' means an individual, organization, or other entity that owns, operates, or plans to construct a coal-to-liquid facility that will produce at least 10,000 barrels per day of coal-to-liquid fuel.

(b) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide loans, in a total amount not to exceed $20,000,000, for use by eligible recipients to pay the Federal share of the cost of obtaining any services necessary for the planning, permitting, and construction of a coal-to-liquid facility.

(c) APPLICATION.—To be eligible to receive a loan under subsection (b), the eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) NON-FEDERAL MATCH.—To be eligible to receive a loan under this section, an eligible recipient shall use non-Federal funds to provide a dollar-for-dollar match of the amount of the loan.

(e) REPAYMENT OF LOAN.—

(1) IN GENERAL.—To be eligible to receive a loan under this section, an eligible recipient shall agree to repay the original amount of the loan to the Secretary not later than 5 years after the date of the receipt of the loan.

(2) SOURCE OF FUNDS.—Repayment of a loan under paragraph (1) may be made from any financing or assistance received for the construction of a coal-to-liquid facility described in subsection (a), including a loan guarantee provided under section 1703(b)(11) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)(11)).

(f) REQUIREMENTS.—

(1) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidelines for the coal-to-liquids loan application process.

(2) APPLICATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin to accept applications for coal-to-liquid loans under this section.

(g) REPORTS TO CONGRESS.—Not later than each of 180 days and 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the status of the program under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

SEC. 104. LOCATION OF COAL-TO-LIQUID MANUFACTURING FACILITIES.

The Secretary, in coordination with the head of any affected agency, shall promulgate such regulations as the Secretary determines to be necessary to support the development on Federal land (including land of the Department of Energy, military bases, and military installations closed or realigned under the defense base closure and realignment) of coal-to-liquid manufacturing facilities and associated infrastructure, including the capture, transportation, or sequestration of carbon dioxide.

SEC. 105. STRATEGIC PETROLEUM RESERVE.

(a) DEVELOPMENT, OPERATION, AND MAINTENANCE OF RESERVE.—Section 159 of the Energy Policy and Conservation Act (42 U.S.C. 6239) is amended—

(1) by redesignating subsections (f), (g), (j), (k), and (l) as subsections (a), (b), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) (as redesignated by paragraph (1)) the following:

''(c) STUDY OF MAINTAINING COAL-TO-LIQUID PRODUCTS IN RESERVE.—Not later than 1 year after the date of enactment of the Coal-to-Liquid Fuel Promotion Act of 2007, the Secretary and the Secretary of Defense shall—

''(1) conduct a study of the feasibility and suitability of maintaining coal-to-liquid products in the Reserve; and

''(2) submit to the Committee on Energy and Natural Resources and the Committee on Armed Services of the Senate and the Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives a report describing the results of the study.

''(d) CONSTRUCTION OF STORAGE FACILITIES.—As soon as practicable after the date of enactment of the Coal-to-Liquid Fuel Promotion Act of 2007, the Secretary may construct 1 or more storage facilities in the vicinity of pipeline infrastructure and at least 1 military base.''.

(b) PETROLEUM PRODUCTS FOR STORAGE IN RESERVE.—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting a semicolon at the end;

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

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) coal-to-liquid products (as defined in section 101 of the Coal-to-Liquid Fuel Promotion Act of 2007), as the Secretary determines to be appropriate, in a quantity not to exceed 20 percent of the total quantity of petroleum and petroleum products in the Reserve.'';

(2) in subsection (b), by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(3) by redesignating subsections (f) and (h) as subsections (d) and (e), respectively.

(c) CONFORMING AMENDMENTS.—Section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (2) (as redesignated by subparagraph (A)), by striking ''section 160(f)'' and inserting ''section 160(e)''; and

(2) in subsection (d), in the matter preceding paragraph (1), by striking ''section 160(f)'' and inserting ''section 160(e)''.

SEC. 106. AUTHORIZATION TO CONDUCT RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION OF ASSURED DOMESTIC FUELS.

Of the amount authorized to be appropriated for the Air Force for research, development, testing, and evaluation, $10,000,000 may be made available for the Air Force Research Laboratory to continue support efforts to test, qualify, and procure synthetic fuels developed from coal for aviation jet use.

SEC. 107. COAL-TO-LIQUID LONG-TERM FUEL PROCUREMENT AND DEPARTMENT OF DEFENSE DEVELOPMENT.

Section 2398a of title 10, United States Code is amended—

(1) in subsection (b)—

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

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) COAL-TO-LIQUID PRODUCTION FACILITIES.—

''(A) IN GENERAL.—The Secretary of Defense may enter into contracts or other agreements with private companies or other entities to develop and operate coal-to-liquid facilities (as defined in section 101 of the Coal-to-Liquid Fuel Promotion Act of 2007) on or near military installations.

''(B) CONSIDERATIONS.—In entering into contracts and other agreements under subparagraph (A), the Secretary shall consider land availability, testing opportunities, and proximity to raw materials.'';

(2) in subsection (d)—

(A) by striking ''Subject to applicable provisions of law, any'' and inserting ''Any''; and

(B) by striking ''1 or more years'' and inserting ''up to 25 years''; and

(3) by adding at the end the following:

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

SEC. 108. REPORT ON EMISSIONS OF FISCHER-TROPSCH PRODUCTS USED AS TRANSPORTATION FUELS.

(a) IN GENERAL.—In cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Defense, the Administrator of the Federal Aviation Administration, and the Secretary of Health and Human Services, the Secretary shall—

(1) carry out a research and demonstration program to evaluate the emissions of the use of Fischer-Tropsch fuel for transportation, including diesel and jet fuel;

(2) evaluate the effect of using Fischer-Tropsch transportation fuel on land and air engine exhaust emissions; and

(3) in accordance with subsection (e), submit to Congress a report on the effect on air quality and public health of using Fischer-Tropsch fuel in the transportation sector.

(b) GUIDANCE AND TECHNICAL SUPPORT.—The Secretary shall issue any guidance or technical support documents necessary to facilitate the effective use of Fischer-Tropsch fuel and blends under this section.

(c) FACILITIES.—For the purpose of evaluating the emissions of Fischer-Tropsch transportation fuels, the Secretary shall—

(1) support the use and capital modification of existing facilities and the construction of new facilities at the research centers designated in section 417 of the Energy Policy Act of 2005 (42 U.S.C. 15977); and

(2) engage those research centers in the evaluation and preparation of the report required under subsection (a)(3).

(d) REQUIREMENTS.—The program described in subsection (a)(1) shall consider—

(1) the use of neat (100 percent) Fischer-Tropsch fuel and blends of Fischer-Tropsch fuels with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(2) the production costs associated with domestic production of those fuels and prices for consumers.

(e) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) not later than 180 days after the date of enactment of this Act, an interim report on actions taken to carry out this section; and

(2) not later than 1 year after the date of enactment of this Act, a final report on actions taken to carry out this section.

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

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 201. CREDIT FOR INVESTMENT IN COAL-TO-LIQUID FUELS PROJECTS.

(a) IN GENERAL.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the qualifying coal-to-liquid fuels project credit.''.

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48B the following new section:

''SEC. 48C. QUALIFYING COAL-TO-LIQUID FUELS PROJECT CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying coal-to-liquid fuels project credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is part of a qualifying coal-to-liquid fuels project—

''(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(2) APPLICABLE RULES.—For purposes of this section, rules similar to the rules of subsection (a)(4) and (b) of section 48 shall apply.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING COAL-TO-LIQUID FUELS PROJECT.—The term 'qualifying coal-to-liquid fuels project' means any domestic project which—

''(A) employs the class of reactions known as Fischer-Tropsch to produce at least 10,000 barrels per day of transportation grade liquid fuels from a feedstock that is primarily domestic coal (including any property which allows for the capture, transportation, or sequestration of by-products resulting from such process, including carbon emissions), and

''(B) any portion of the qualified investment in which is certified under the qualifying coal-to-liquid program as eligible for credit under this section in an amount (not to exceed $200,000,000) determined by the Secretary.

''(2) COAL.—The term 'coal' means any carbonized or semicarbonized matter, including peat.

''(d) QUALIFYING COAL-TO-LIQUID FUELS PROJECT PROGRAM.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a qualifying coal-to-liquid fuels project program to consider and award certifications for qualified investment eligible for credits under this section to 10 qualifying coal-to-liquid fuels project sponsors under this section. The total qualified investment which may be awarded eligibility for credit under the program shall not exceed $2,000,000,000.

''(2) PERIOD OF ISSUANCE.—A certificate of eligibility under paragraph (1) may be issued only during the 10-fiscal year period beginning on October 1, 2007.

''(3) SELECTION CRITERIA.—The Secretary shall not make a competitive certification award for qualified investment for credit eligibility under this section unless the recipient has documented to the satisfaction of the Secretary that—

''(A) the proposal of the award recipient is financially viable,

''(B) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is spent efficiently and effectively,

''(C) the fuels identified with respect to the gasification technology for such project will comprise at least 90 percent of the fuels required by the project for the production of transportation grade liquid fuels,

''(D) the award recipient's project team is competent in the planning and construction of coal gasification facilities and familiar with operation of the Fischer-Tropsch process, with preference given to those recipients with experience which demonstrates successful and reliable operations of such process, and

''(E) the award recipient has met other criteria established and published by the Secretary.

''(e) DENIAL OF DOUBLE BENEFIT.—No deduction or other credit shall be allowed with respect to the basis of any property taken into account in determining the credit allowed under this section.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding after clause (iv) the following new clause:

''(v) the basis of any property which is part of a qualifying coal-to-liquid fuels project under section 48C.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48B the following new item:

''48C. Qualifying coal-to-liquid fuels project credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 202. TEMPORARY EXPENSING FOR EQUIPMENT USED IN COAL-TO-LIQUID FUELS PROCESS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 179D the following new section:

''SEC. 179E. ELECTION TO EXPENSE CERTAIN COAL-TO-LIQUID FUELS FACILITIES.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the cost of any qualified coal-to-liquid fuels process property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the expense is incurred.

''(b) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(c) QUALIFIED COAL-TO-LIQUID FUELS PROCESS PROPERTY.—The term 'qualified coal-to-liquid fuels process property' means any property located in the United States—

''(1) which employs the Fischer-Tropsch process to produce transportation grade liquid fuels from a feedstock that is primarily domestic coal (including any property which allows for the capture, transportation, or sequestration of by-products resulting from such process, including carbon emissions),

''(2) the original use of which commences with the taxpayer,

''(3) the construction of which—

''(A) except as provided in subparagraph (B), is subject to a binding construction contract entered into after the date of the enactment of this section and before January 1, 2011, but only if there was no written binding construction contract entered into on or before such date of enactment, or

''(B) in the case of self-constructed property, began after the date of the enactment of this section and before January 1, 2011, and

''(4) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2016.

''(d) ELECTION TO ALLOCATE DEDUCTION TO COOPERATIVE OWNER.—If—

''(1) a taxpayer to which subsection (a) applies is an organization to which part I of subchapter T applies, and

''(2) one or more persons directly holding an ownership interest in the taxpayer are organizations to which part I of subchapter T apply,

the taxpayer may elect to allocate all or a portion of the deduction allowable under subsection (a) to such persons. Such allocation shall be equal to the person's ratable share of the total amount allocated, determined on the basis of the person's ownership interest in the taxpayer. The taxable income of the taxpayer shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.

''(e) BASIS REDUCTION.—

''(1) IN GENERAL.—For purposes of this title, if a deduction is allowed under this section with respect to any qualified coal-to-liquid fuels process property, the basis of such property shall be reduced by the amount of the deduction so allowed.

''(2) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a) with respect to any property which is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.

''(f) APPLICATION WITH OTHER DEDUCTIONS AND CREDITS.—

''(1) OTHER DEDUCTIONS.—No deduction shall be allowed under any other provision of this chapter with respect to any expenditure with respect to which a deduction is allowed under subsection (a) to the taxpayer.

''(2) CREDITS.—No credit shall be allowed under section 38 with respect to any amount for which a deduction is allowed under subsection (a).

''(g) REPORTING.—No deduction shall be allowed under subsection (a) to any taxpayer for any taxable year unless such taxpayer files with the Secretary a report containing such information with respect to the operation of the property of the taxpayer as the Secretary shall require.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 179E(e)(1).''.

(2) Section 1245(a) of such Code is amended by inserting ''179E,'' after ''179D,'' both places it appears in paragraphs (2)(C) and (3)(C).

(3) Section 263(a)(1) of such Code is amended by striking ''or'' at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting '', or'', and by inserting after subparagraph (K) the following new subparagraph:

''(L) expenditures for which a deduction is allowed under section 179E.''.

(4) Section 312(k)(3)(B) of such Code is amended by striking ''or 179D'' each place it appears in the heading and text and inserting ''179D, or 179E''.

(5) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 179D the following new item:

''Sec. 179E. Election to expense certain coal-to-liquid fuels facilities.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to properties placed in service after the date of the enactment of this Act.

SEC. 203. EXTENSION OF ALTERNATIVE FUEL CREDIT FOR FUEL DERIVED FROM COAL THROUGH THE FISCHER-TROPSCH PROCESS.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(4) TERMINATION.—This subsection shall not apply to—

''(A) any sale or use involving liquid fuel derived from a feedstock that is primarily domestic coal (including peat) through the Fischer-Tropsch process for any period after September 30, 2020,

''(B) any sale or use involving liquified hydrogen for any period after September 30, 2014, and

''(C) any other sale or use for any period after September 30, 2009.''.

(b) PAYMENTS.—

(1) IN GENERAL.—Paragraph (5) of section 6427(e) of the Internal Revenue Code of 1986 is amended by striking ''and'' and the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) any alternative fuel or alternative fuel mixture (as so defined) involving liquid fuel derived from coal (including peat) through the Fischer-Tropsch process sold or used after September 30, 2020.''.

(2) CONFORMING AMENDMENT.—Section 6427(e)(5)(C) of such Code is amended by striking ''subparagraph (D)'' and inserting ''subparagraphs (D) and (E)''.

SEC. 204. MODIFICATIONS TO ENHANCED OIL RECOVERY CREDIT.

(a) ENHANCED CREDIT FOR CARBON DIOXIDE INJECTIONS.—Section 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) ENHANCED CREDIT FOR PROJECTS USING QUALIFIED CARBON DIOXIDE.—

''(1) IN GENERAL.—For purposes of this section—

''(A) the term 'qualified project' includes a project described in paragraph (2), and

''(B) in the case of a project described in paragraph (2), subsection (a) shall be applied by substituting '50 percent' for '15 percent'.

''(2) PROJECTS DESCRIBED.—A project is described in this paragraph if it begins or is substantially expanded after December 31, 2007, and

''(A) uses qualified carbon dioxide in an enhanced oil, natural gas, or coalbed methane recovery method, which involves flooding or injection, or

''(B) enables the capture or sequestration of qualified carbon dioxide.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) ENHANCED OIL RECOVERY.—The term 'enhanced oil recovery' means recovery of oil by injecting or flooding with qualified carbon dioxide.

''(B) ENHANCED NATURAL GAS RECOVERY.—The term 'enhanced natural gas recovery' means recovery of natural gas by injecting or flooding with qualified carbon dioxide.

''(C) ENHANCED COALBED METHANE RECOVERY.—The term 'enhanced coalbed methane recovery' means recovery of coalbed methane by injecting or flooding with qualified carbon dioxide.

''(D) QUALIFIED CARBON DIOXIDE.—The term 'qualified carbon dioxide' means carbon dioxide which is produced from the gasification and subsequent refinement of a feedstock which is primarily domestic coal, at a facility which produces coal-to-liquid fuel.

''(E) CAPTURE OR SEQUESTRATION.—The term 'capture or sequestration' means any equipment or facility necessary to—

''(i) capture or separate qualified carbon dioxide from other emissions,

''(ii) transport qualified carbon dioxide, or

''(iii) process and use qualified carbon dioxide in a qualified project.

''(4) TERMINATION.—This subsection shall not apply to costs paid or incurred for any qualified project after December 31, 2020.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 43 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''enhanced oil recovery credit'' in subsection (a) and inserting ''enhanced oil, natural gas, and coalbed methane recovery, and capture and sequestration credit'',

(B) by striking ''qualified enhanced oil recovery costs'' each place it appears and inserting ''qualified costs'',

(C) by striking ''qualified enhanced oil recovery project'' each place it appears and inserting ''qualified project'', and

(D) by striking the heading and inserting:

''SEC. 43. ENHANCED OIL, NATURAL GAS, AND COALBED METHANE RECOVERY, AND CAPTURE AND SEQUESTRATION CREDIT.''.

(2) The item in the table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code relating to section 43 is amended to read as follows:

''Sec. 43. Enhanced oil, natural gas, and coalbed methane recovery, and capture and sequestration credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in taxable years ending after December 31, 2007.

SEC. 205. ALLOWANCE OF ENHANCED OIL, NATURAL GAS, AND COALBED METHANE RECOVERY, AND CAPTURE AND SEQUESTRATION CREDIT AGAINST THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (c) of section 38 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) SPECIAL RULES FOR ENHANCED OIL, NATURAL GAS, AND COALBED METHANE RECOVERY, AND CAPTURE AND SEQUESTRATION CREDIT.—In the case of the enhanced oil, natural gas, and coalbed methane recovery, and capture and sequestration credit determined under section 43—

''(A) this section and section 39 shall be applied separately with respect to such credit, and

''(B) in applying paragraph (1) to such credit—

''(i) the tentative minimum tax shall be treated as being zero, and

''(ii) the limitation under paragraph (1) (as modified by clause (i)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the enhanced oil, natural gas, and coalbed methane recovery, and capture and sequestration credit and the specified credits).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(c)(2)(A)(ii)(II) of such Code is amended by inserting ''the enhanced oil, natural gas, and coalbed methane recovery, and

capture and sequestration credit,'' after ''employee credit,''.

(2) Section 38(c)(3)(A)(ii)(II) of such Code is amended by inserting '', the enhanced oil, natural gas, coalbed methane recovery, capture and sequestration credit,'' after ''employee credit''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

By Mr. REID (for Mr. WYDEN (for himself, Mr. MCCAIN, and Mr. SUNUNU)):

S. 156. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today I am reintroducing in this new Congress a bill to advance a cause for which I have been fighting for over 10 years now. The Permanent Internet Tax Freedom Act would extend the current Internet tax moratorium, so that the Internet can remain free from burdensome and discriminatory taxes.

Legislation to keep the Internet free from these taxes has passed the Senate 3 times since 1998 with sunsets that required consecutive extensions. A permanent moratorium on Internet taxation passed through both the Commerce and Finance Committees in the 109th Congress yet failed to get action on the Senate floor.

I come to the Floor again, bringing up Internet Taxation, because the moratorium on Internet Taxation is set to expire on November 1st of this year. In only 11 months, if Congress does not act, the moratorium on Internet Taxation that has allowed the Internet and e-commerce to flourish will cease to protect American consumers and American businesses.

I don't want those who use the Internet to end up like our ancestors: they were told the Spanish-American War telephone tax was ''temporary,'' and that the tax was just needed to pay for the war. That war ended two centuries ago, and Congress is just now getting around to getting rid of the tax!

The last time I checked, the Internet shows no sign of riding off into the sunset, or becoming obsolete. You can bet that once discriminatory taxes are slapped on Internet users, those discriminatory taxes won't be going away any time soon either.

If you want to figure out how much discriminatory taxes could be, just look at your phone bill. Taxes and government fees already add as much as 20 percent in surcharges to consumer's telephone bills.

If you take a gallon of milk to the checkout counter and pay tax on the purchase, the clerk can't turn around and charge you another tax if you're going to use the milk in your cereal and another tax if you're going to put milk in your coffee. But that's what will happen to the Internet if the ban is not made permanent. You'd still pay all the telephone taxes and all the franchise fees on cable, but on top of those you'd pay even more taxes for the same service when you sign on to the Internet!

Discriminatory and double taxation of the Internet has been banned for 8 years now. In all that time no one has ever come forward with evidence to show that the failure to impose discriminatory taxes has hurt them. No one has demonstrated why taxes that cannot be imposed in the offline world should be imposed on identical online transactions.

Western Civilization may not end if the Permanent Internet Freedom Act is not passed, but you have to ask how many times Congress has to revisit, relitigate and re-approve a law that has been this effective. It is time to make the Internet Tax moratorium permanent.

I want to thank my colleagues, Mr. MCCAIN from Arizona and Mr. SUNUNU from New Hampshire for introducing this legislation with me today. They both fought tirelessly alongside me and our former colleague, Mr. Allen from Virginia, to get the moratorium extended in 2004. I am pleased that they are now replacing Mr. Allen as my bipartisan partners on this important piece of legislation. It is my hope that the three of us, working with the rest of our colleagues, can get this all-important piece of legislation passed early this year so we do not have to worry about it as the November 1st deadline fast approaches.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 156

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 ''Permanent Internet Tax Freedom Act of 2007''.

SEC. 2. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.

Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''taxes during the period beginning November 1, 2003, and ending November 1, 2007:'' and inserting ''taxes:''

Mr. MCCAIN. Mr. President, I am pleased to join with Senators WYDEN and SUNUNU in introducing the Permanent Internet Tax Freedom Act of 2007. This bill would ensure that consumers never have to pay a toll when they access the Information Highway. Whether consumers log onto the Internet using cable modem, DSL, dial-up or wireless services, under this bill, they will not be taxed by any State or local governments for their Internet usage.

Keeping Internet access affordable to all Americans is a worthy policy goal. The Internet has become a fixture and core component of modem American life that has created and continues to generate social and economic opportunities throughout the United States.

In 1998, Congress put in place a temporary ban on any State or local taxes on Internet access. Additionally, Congress placed a moratorium on multiple or discriminatory State and local taxes on e-commerce transactions to ensure the growth of online commerce. This moratorium was extended in 2004, but is set to expire November 1, 2007. Our legislation, the Permanent Internet Tax Freedom Act of 2007, would make the moratorium permanent.

Today, the U.S. ranks 12th in the world in per capita Internet access, lagging behind competitors South Korea, the United Kingdom and Canada. This is absolutely unacceptable for a country that leads the world in technical innovation, economic development, and international competitiveness. We certainly cannot afford to make Internet access more difficult to obtain if we want to become more internationally competitive.

There is little doubt that the development and growth of the Internet was aided by the tax moratorium. In 1998, the year the moratorium was first enacted, 36 percent of U.S. adults reported using the Internet. In 2006, that number grew to 73 percent, an all time high according to an April 2006 Pew Internet & American Life Project Report. However, the report also found that Americans in the lowest income households are considerably less likely to be online. Just 55 percent of adults living in households with less than $30,000 annual income go online, versus 73 percent of those whose income is between $30,000–$50,000. This ''digital divide'' needs to be closed immediately. Continuing Congress's policy of reducing the cost of Internet access, by preventing the service from being taxed, is one step we can take now to close the ''digital divide.''

As use of the Internet has grown, so has e-commerce. According to the most recent comScore Networks report, Americans spent over $100 billion on Internet purchases during 2006, a major milestone for retailers and the World Wide Web. This legislation would ensure that online transactions are not taxed by cities or States at a rate higher than other sales transactions. Again, the goal of this legislation is to make the Internet affordable to all Americans and foster the growth of the Internet.

With respect to the question of whether it is wise to make Internet access tax free, Congress has a long history of giving tax incentives to commercial activities that we believe help our society. The Internet is a technology that is a source of and vehicle

for significant economic benefits. The proponents of this legislation strongly believe the Internet clearly merits the tax incentives provided by this bill.

I recognize that there are some who wish to continue to make the Internet tax moratorium temporary. Their premise is that the Internet will continue to evolve and thus Internet access may develop into a service the States and localities would wish to tax. I believe that this moratorium should be permanent to continue encouraging those very Internet-related innovations. By making the moratorium permanent, businesses that invest in and provide Internet access will be able to operate in a predictable tax environment. This will result in continued investment in this very important social, political and economic medium.

Congress now has the opportunity to extend permanently the Internet tax moratorium and assure consumers that taxes will not inhibit the offering of affordable Internet access. By supporting this legislation, we can continue to promote Internet usage by Americans as well as encourage innovation relating to this technology. For these reasons, I ask my colleagues to support this pro-consumer, pro-innovation, and pro-technology bill.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 158. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from Louisiana, Senator LANDRIEU, in introducing the Access to Affordable Health Care Act, a comprehensive plan that builds on the strengths of our current public programs and private health care system to make affordable health care available to millions more Americans.

One of my priorities in the Senate has been to expand access to affordable health care. There are still far too many Americans without health insurance or with woefully inadequate coverage. As many as 46 million Americans are uninsured, and millions more are underinsured.

Maine is in the midst of a growing health insurance crisis, with insurance premiums rising at alarming rates. Whether I am talking to a self-employed fisherman, a displaced worker, the owner of a struggling small business, or the human resource manager of a large company, the soaring costs of health insurance is a common concern.

These cost increases have been particularly burdensome for small businesses, the backbone of the Maine economy. Maine small business owners want to provide coverage for their employees, but they are caught in a cost squeeze. They know that if they pass on premium increases to their employees, more of them will decline coverage. Yet these small businesses simply cannot afford to absorb double-digit increases in their health insurance premiums year after year.

The problem of rising costs is even more acute for individuals and families who must purchase health insurance on their own. Monthly health insurance premiums in Maine often exceed a family's mortgage payment. Clearly, we must do more to make health insurance more available and affordable.

The Access to Affordable Health Care Act, which we are introducing today, is a seven-point plan that combines a variety of public and private approaches. The legislation's seven goals are: one, to expand access to affordable health care for small businesses; two, to make health insurance more affordable for individuals and families purchasing coverage on their own; three, to strengthen the health care safety net for those without coverage; four, to expand access to care in rural and underserved areas; five, to increase access to affordable long-term care; six to promote healthier lifestyles; and seven, to provide more equitable Medicare payments to Maine providers to reduce the Medicare shortfall, which has forced hospitals, physicians and other providers to shift costs onto other payers in the form of higher charges, which in turn drives up health care premiums.

Let me discuss each of these seven points in greater detail.

First, our legislation will help small employers cope with rising health care costs.

Since most Americans get their health insurance through the workplace, it is a common assumption that people without health insurance are unemployed. The fact is, however, that as many as 83 percent of Americans who do not have health insurance are in a family with a worker.

Uninsured working Americans are most often employees of small businesses. In fact, some 63 per cent of uninsured workers are employed by small firms. Smaller firms generally face higher costs for health insurance than larger firms, which makes them less likely to offer coverage. The Access to Affordable Health Care Act will help these employers cope with rising costs by creating new tax credits for small businesses to make health insurance more affordable. It will encourage those small businesses that do not offer health insurance to do so and will help employers that do offer insurance to continue coverage for their employees even in the face of rising costs.

Our legislation will also provide grants to provide start-up funding to States to help businesses to form group purchasing cooperatives. These cooperatives will enable small businesses to band together to purchase health insurance jointly. This will help to reduce their costs and improve the quality of their employee's health care.

The legislation would also authorize a Small Business Administration grant program for States, local governments and non-profit organizations to provide information about the benefits of health insurance to small employers, including tax benefits, increased productivity of employees, and decreased turnover. These grants would also be used to make employers aware of their current incentives under State and Federal laws. While costs are clearly a problem, many small employers are simply not aware of laws that have already been enacted by both States and the Federal government to make health insurance more affordable. For example, in one survey, 57 percent of small employers did not know that they could deduct 100 percent of their health insurance premiums as a business expense.

The legislation would also create a new program to encourage innovation by awarding demonstration grants in up to 10 States conducting innovative coverage expansions, such as alternative group purchasing or pooling arrangements, individual or small group market reforms, or subsidies to employers or individuals purchasing coverage. The States have long been laboratories for reform, and they should be encouraged in the development of innovative programs that can serve as models for the Nation.

The Access to Affordable Health Care Act will also expand access to affordable health care for individuals and families. One of the first bills that I sponsored when I came to the Senate was legislation to establish the State Child Health Insurance Program, which provides insurance for the children of low-income parents who cannot afford health insurance, yet make too much money to qualify for Medicaid. Since 1997, this program, which is known as SCHIP, has contributed to a one-third decline in the uninsured rate of low-income children. Today, over six million children—including approximately 14,500 in Maine—receive health care coverage through this remarkably effective health care program.

First, our legislation will shore up the looming shortfalls in SCHIP funding that 17 states—including Maine—will face in Fiscal Year 2007 to ensure that children currently enrolled in the program do not lose their coverage. Just prior to adjournment in December, the Congress approved legislation to partially address these shortfalls. That legislation, however, provides only about one-fifth of the funds needed. Our legislation will close that gap.

Our legislation also builds on the success of the SCHIP program and gives States a number of new tools to increase participation. The bill authorizes new grants for States and non-

profit organizations to conduct innovative outreach and enrollment efforts to ensure that all eligible children are covered. States would also have the option of covering the parents of the children who are enrolled in programs like MaineCare. States could also use funds provided through this program to help eligible working families pay their share of an employer-based health insurance plan. In short, the legislation will help ensure that the entire family receives the health care they need.

And finally, to help make health coverage more affordable for low and middle-income individuals and families who do not have employer-provided coverage and who are not eligible for the expanded programs, our legislation would provide an advanceable, refundable tax credit of up to $1,000 for individuals earning up to $30,000 and up to $3,000 for families earning up to $60,000. This could provide coverage for up to six million Americans who would otherwise be uninsured for one or more months, and will help many more working lower-income families who currently purchase private health insurance with little or no government help.

To strengthen our nation's health care safety net, the Access to Affordable Health Care Act calls for a doubling of funding over five years for the Consolidated Health Centers program, which includes community, migrant, public housing and homeless health centers.

These centers, which operate in underserved urban and rural communities, provide critical primary care services to millions of Americans, regardless of their ability to pay. About 20 percent of the patients treated in Maine's community health centers have no insurance coverage and many more have inadequate coverage, so these centers are a critical part of our nation's health care safety net.

The problem of access to affordable health care services is not limited to the uninsured, but is also shared by many Americans living in rural and underserved areas where there is a shortage of health care providers. The Access to Affordable Health Care Act therefore calls for increased funding for the National Health Service Corps, which supports doctors, dentists, and other clinicians who serve in rural and inner city areas.

The legislation will also give the program greater flexibility by allowing National Health Service Corps participants to fulfill their commitment on a part-time basis. Current law requires all National Health Service Corps participants to serve full-time. Many rural communities, however, simply do not have enough volume to support a full-time health care practitioner. Moreover, some sites may not need a particular type of provider on a full-time basis. Our bill therefore gives the program additional flexibility to meet community needs.

As the Senate co-chair of the bipartisan Congressional Task Force on Alzheimer's Disease, I am particularly sensitive to the long-term care needs of patients with chronic diseases like Alzheimer's and their families.

Long-term care is the major catastrophic health care expense faced by older Americans today, and these costs will only increase with the aging of the baby boomers. Most Americans mistakenly believe that Medicare or their private health insurance policies will cover the costs of long-term care should they develop a chronic illness or cognitive impairment like Alzheimer's Disease. Unfortunately, far too many do not discover that they do not have coverage until they are confronted with the difficult decision of placing a much-loved parent or spouse in long-term care and facing the shocking realization that they will have to cover the costs themselves.

The Access to Affordable Health Care Act will provide a tax credit for long-term care expenses of up to $3,000 to provide some help to those families struggling to provide long-term care to a loved one. It will also encourage more Americans to plan for their future long-term care needs by providing a tax deduction to help them purchase long-term care insurance.

Health insurance alone is not going to ensure good health. As noted author and physician Dr. Michael Crichton has observed, ''the future of medicine lies not in treating illness, but preventing it.'' Many of our most serious health problems are directly related to unhealthy behaviors—smoking, lack of regular exercise, and poor diet. These three major risk factors alone have made Maine the state with the fourth highest death rate due to four largely preventable diseases: cardiovascular disease, cancer, chronic lung disease and diabetes. These four chronic diseases are responsible for 70 percent of the health care problems in Maine.

Our bill therefore contains a number of provisions designed to promote healthy lifestyles. An ever-expanding body of evidence shows that investments in health promotion and prevention offer returns not only in reduced health care bills, but in longer life and increased productivity. The legislation will provide grants to States to assist small businesses wishing to establish ''worksite wellness'' programs for their employees. It would also authorize a grant program to support new and existing ''community partnerships,'' such as the Healthy Community Coalition in Maine's Franklin County, to promote healthy lifestyles among hospitals, employers, schools and community organizations. And, it would provide funds for States to establish or expand comprehensive school health education, including, for example, physical education programs that promote lifelong physical activity, healthy food service selections, and programs that promote a healthy and safe school environment.

And finally, the Access to Affordable Health Care Act would promote greater equity in Medicare payments and help to ensure that the Medicare system rewards rather than punishes states like Maine that deliver high-quality, cost-effective Medicare services to our elderly and disabled citizens.

The Medicare Modernization Act of 2003 and subsequent legislation did take some significant steps toward promoting greater fairness by increasing Medicare payments to rural hospitals and by modifying geographic adjustment factors that discriminated against physicians and other providers in rural areas. The legislation we are introducing today will build on those improvements by establishing State pilot programs that reward providers of high- quality, cost-efficient Medicare services.

The Access to Affordable Health Care Act outlines a blueprint for reform based on principles upon which I believe a bipartisan majority in Congress could agree. The plan takes significant strides toward the goal of universal health care coverage by bringing millions more Americans into the insurance system and by strengthening the health care safety net.

Ms. LANDRIEU. Mr. President, I am pleased to join with my colleague from Main, Senator COLLINS, in introducing the Access to Affordable Health Care Act. The latest available Census figures show that 46.6 million people in our country—including almost 19 percent of the people in my home State of Louisiana—are without health insurance.

This statistic has been referred to so often in the media and in this body that it is almost possible to hear it without realizing the full impact of such uncertainty on one's day-to-day life. 46.6 million people without health insurance means 36.3 million families struggling with the knowledge that they may be just one hospitalization away from bankruptcy. It means 8.3 million children who may not be able to access the care they need to prevent increasingly common and often debilitating chronic illnesses such as diabetes and asthma, adversely affecting them for the rest of their lives. It means 27.3 million Americans with jobs, who work everyday knowing that they still may not be able to provide for their families in their time of need.

Across the country, small business owners and families are struggling with the high cost of health care. This is particularly true in Louisiana and across the gulf coast, where recovery from the 2005 hurricanes has already placed heavy burdens on thousands of families trying to rebuild and businesses working to reopen. Since 2000,

the number of employees nationwide receiving health insurance through their employers has actually decreased, reversing the progress we saw in the 1990s. Small businesses create two out of every three new jobs in America and account for nearly half of America's overall employment. Yet only 26 percent of businesses with fewer than 50 employees can offer health insurance to their employees. The Access to Affordable Health Care Act gives the small businesses that are the backbone of this country the opportunity to help make their employees' lives just a little easier.

This legislation further provides for the expansion of the enormously successful SCHIP program, allowing States to cover increased numbers of pregnant women and poor, working adults. It allows for more community health centers and encourages health care providers to practice in the increasingly underserved rural areas of all States. It gives businesses the tools to not only insure their employees against illness but to encourage wellness, decreasing health care costs for everybody. It allows our government to reward States that find ways to improve health outcomes among Medicare patients, actively supporting the types of cost-efficient successes that improve the quality of life.

A country identified by its ingenuity and creativity has a moral responsibility to do more than we have to provide its citizens with the ability to keep their families safe and healthy. These comprehensive, real steps forward will open new doors of opportunity and access to affordable health care for millions of American families and business owners, and I am proud to have partnered with Senator COLLINS in this important pursuit. I encourage my colleagues to consider this legislation and to help provide our all our constituents with the peace of mind.

By Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER):

S. 163. A bill to improve the disaster loan program at the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, 16 months after Hurricane Katrina struck the Gulf Coast, small business owners in New Orleans and across Louisiana are still struggling to keep their doors open and their employees working. In those 16 months, I have worked with Senators SNOWE, LANDRIEU, and VITTER to produce a comprehensive package to reform the SBA's Disaster Assistance program. The SBA's failed response in a time of unmatched need demonstrated to everyone that this program is broken and needs fixing.

Immediately after Hurricane Katrina hit, I introduced an amendment with Senator LANDRIEU to the fiscal year 2006 Commerce, Justice and Science appropriations bill to address the needs of Gulf Region small business and homeowners. The amendment was adapted with input from Chair SNOWE, and a subsequent bipartisan amendment passed the Senate with a vote of 96–0. Although the entire Senate supported the amendment, it was stripped out of the bill in conference.

On September 30, 2005, I again worked with Chair SNOWE and Senators LANDRIEU and VITTER to introduce a bipartisan proposal, the Small Business Hurricane Relief and Reconstruction Act of 2006 S. 1807. This proposal was opposed by the administration. In June, I introduced the Small Business Disaster Loan Reauthorization and Improvements Act of 2006, S. 3487 which once again attempted to comprehensively address the shortcomings of the SBA's Disaster Assistance program. Again, the administration opposed this effort. In August, the Small Business Committee unanimously reported S. 3778, the Small Business Reauthorization and Improvements Act of 2006, which again put forward a bipartisan, comprehensive fix for this program. Finally, in December, just prior to the adjournment of the 109th Congress, yet another attempt was made at reaching a bipartisan consensus with the introduction of S. 4097, the Small Business Disaster Response and Loan Improvements Act of 2006. The administration maintained its opposition to the fixes proposed in this bill.

Now, on the first day of this new Congress, I am introducing the Small Business Disaster Response and Loan Improvements Act of 2007. Once again, this bill enjoys bipartisan support by the chair and the ranking minority member of the Small Business Committee, as well as by the Democratic and Republican Senators of Louisiana, whose constituents continue to wait for their Government to respond appropriately. I am introducing this bill on the first day of the 110th Congress because as the incoming chair of the Small Business Committee, improving the Disaster Assistance program at the SBA is among my top priorities.

This bill includes directives for the SBA to create a private disaster loan program, to allow for lenders to issue disaster loans. To ensure that these loans are borrower-friendly, we provide authorization for appropriations so that the agency can subsidize the interest rates. In addition, the administrator is authorized to enter into agreements with private contractors in order to expedite loan application processing for direct disaster loans.

The bill also includes language directing SBA to create an expedited disaster assistance loan program to provide businesses with short-term loans so that they may keep their doors open until they receive alternative forms of assistance. The days immediately following a disaster are crucial for business owners—statistics show that once they close their doors, they likely will not open them again. These short-term loans should help prevent those doors from closing.

A presidential declaration of Catastrophic National Disaster will allow the administrator to offer economic injury disaster loans to adversely affected business owners beyond the geographic reach of the disaster area. In the event of a large-scale disaster, businesses located far from the physical reach of the disaster can be affected by the magnitude of a localized destruction. We saw this when the terrorist attacks of September 11, 2001 affected businesses from coast to coast, and we saw it again with the 2005 Gulf Coast hurricanes. Should another catastrophic disaster strike, the President should have the authority to provide businesses across the country with access to the same low-interest economic injury loans available to businesses within the declared disaster area.

Non-profit entities working to provide services to victims should be rewarded and given access to the capital they require to continue their services. To this end, the administrator is authorized to make disaster loans to nonprofit entities, including religious organizations.

Construction and rebuilding contracts being awarded are likely to be larger than the current $2 million threshold currently applied to the SBA Surety Bond Program, which helps small construction firms gain access to contracts. This bill increases the guarantee against loss for small business contracts up to $5 million and allows the administrator to increase that level to $10 million, if deemed necessary.

The bill also provides for Small Business Development Centers to offer business counseling in disaster areas, and to travel beyond traditional geographic boundaries to provide services during declared disasters. To encourage Small Business Development Centers located in disaster areas to keep their doors open, the maximum grant amount of $100,000 is waived.

So that Congress may remain better aware of the status of the administration's disaster loan program, this bill directs the administration to report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regularly on the fiscal status of the disaster loan program as well as the need for supplemental funding. The adiministration is also directed to report on the number of Federal contracts awarded to small businesses, minority-owned small businesses, women-owned businesses, and local businesses during a disaster declaration.

Finally, gas prices continue to fluctuate, and fuel-dependent small businesses are struggling with the cost of energy. This bill provides relief to small business owners during times of above average energy price increases, authorizing energy disaster loans through the Small Business Administration and the United States Department of Agriculture to companies that are dependent on fuel.

In the 16 months since Katrina struck, I have visited New Orleans three times. I have met with the lifeblood of that city—its small business owners—the shopowners on Bourbon Street and on Magazine Street who make that city unique. The people of New Orleans are resilient, and they remain hopeful; they are keeping their businesses open despite tourism that has been slow to return and despite a government response that was painfully slow to arrive. Sixteen months is too long a time to wait to reform and improve a program that could have breathed relief into this city's economy during a time of desperation. As this new Congress begins, I call on my colleagues to support this legislation, a bipartisan labor of more than a year's worth of negotiations. The tools offered within this bill will go a long way toward heading off another Katrina-like response to any future catastrophic disaster.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 163

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 ''Small Business Disaster Response and Loan Improvements Act of 2007''.

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

SEC. 2. DEFINITIONS.

In this Act—

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

(2) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term ''small business concern owned and controlled by socially and economically disadvantaged individuals'' has the same meaning as in section 8 of the Small Business Act (15 U.S.C. 637).

TITLE I—PRIVATE DISASTER LOANS

SEC. 101. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

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

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

''(c) PRIVATE DISASTER LOANS.—

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

''(A) the term 'disaster area' means a county, parish, or similar unit of general local government in which a disaster was declared under subsection (b);

''(B) the term 'eligible small business concern' means a business concern that is—

''(i) a small business concern, as defined in this Act; or

''(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

''(C) the term 'qualified private lender' means any privately-owned bank or other lending institution that the Administrator determines meets the criteria established under paragraph (9).

''(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

''(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (a) or (b).

''(4) ONLINE APPLICATIONS.—

''(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

''(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

''(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

''(5) MAXIMUM AMOUNTS.—

''(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

''(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be $3,000,000.

''(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

''(A) 15 years for any loan that is issued without collateral; and

''(B) 25 years for any loan that is issued with collateral.

''(7) FEES.—

''(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

''(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

''(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan offered under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

''(9) IMPLEMENTATION REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

''(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(10) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration under subsection (b).

''(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the applicable rate of interest for a loan guaranteed under this subsection by not more than 3 percentage points.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

SEC. 102. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(B) in paragraph (2)—

(i) by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(ii) by striking ''7(e),''; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking ''That the provisions of paragraph (1) of subsection (c)'' and inserting ''That the provisions of paragraph (1) of subsection (d)''; and

(B) by striking ''Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c),'' and inserting ''Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)''.

TITLE II—DISASTER RELIEF AND RECONSTRUCTION

SEC. 201. DEFINITION OF DISASTER AREA.

In this title, the term ''disaster area'' means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration.

SEC. 202. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.''.

SEC. 203. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this title, the following:

''(5) INCREASED LOAN CAPS.—

''(A) AGGREGATE LOAN AMOUNTS.—Except as provided in clause (ii), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $5,000,000.

''(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under clause (i).''.

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting ''of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)'' after ''20 per centum''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''the, Administration'' and inserting ''the Administration'';

(2) in paragraph (2)(A), by striking ''Disaster Relief and Emergency Assistance Act'' and inserting ''Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)''; and

(3) in the undesignated matter at the end—

(A) by striking '', (2), and (4)'' and inserting ''and (2)''; and

(B) by striking '', (2), or (4)'' and inserting ''(2)''.

SEC. 204. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking ''as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability'' and inserting ''due to events that have resulted or will result in, business or government facility downsizing or closing''; and

(2) by adding at the end ''At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.''.

SEC. 205. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking ''At the discretion'' and inserting the following: ''SMALL BUSINESS DEVELOPMENT CENTERS.—

''(A) IN GENERAL.—At the discretion''; and

(2) by adding at the end the following:

''(B) DURING DISASTERS.—

''(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

''(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

''(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.''.

SEC. 206. OUTREACH PROGRAMS.

(a) IN GENERAL.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) ADMINISTRATOR ACTION.—The Administrator may fulfill the requirement of subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

SEC. 207. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

SEC. 208. CONTRACTING PRIORITY FOR LOCAL SMALL BUSINESSES.

Section 15(d) of the Small Business Act (15 U.S.C. 644(d)) is amended—

(1) by striking ''(d) For purposes'' and inserting the following:

''(d) CONTRACTING PRIORITIES.—

''(1) IN GENERAL.—For purposes''; and

(2) by adding at the end the following:

''(2) DISASTER CONTRACTING PRIORITY IN GENERAL.—The Administrator shall designate any disaster area as an area of concentrated unemployment or underemployment, or a labor surplus area for purposes of paragraph (1).

''(3) LOCAL SMALL BUSINESSES.—

''(A) IN GENERAL.—The head of each executive agency shall give priority in the awarding of contracts and the placement of subcontracts for disaster relief to local small business concerns by using, as appropriate—

''(i) preferential factors in evaluations of contract bids and proposals;

''(ii) competitions restricted to local small business concerns, where there is a reasonable expectation of receiving competitive, reasonably priced bids or proposals from not fewer than 2 local small business concerns;

''(iii) requirements of preference for local small business concerns in subcontracting plans; and

''(iv) assessments of liquidated damages and other contractual penalties, including contract termination.

''(B) OTHER DISASTER ASSISTANCE.—Priority shall be given to local small business concerns in the awarding of contracts and the placement of subcontracts for disaster relief in any Federal procurement and any procurement by a State or local government made with Federal disaster assistance funds.

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'declared disaster' means a disaster, as designated by the Administrator;

''(B) the term 'disaster area' means any State or area affected by a declared disaster, as determined by the Administrator;

''(C) the term 'executive agency' has the same meaning as in section 105 of title 5, United States Code; and

''(D) the term 'local small business concern' means a small business concern that—

''(i) on the date immediately preceding the date on which a declared disaster occurred—

''(I) had a principal office in the disaster area for such declared disaster; and

''(II) employed a majority of the workforce of such small business concern in the disaster area for such declared disaster; and

''(ii) is capable of performing a substantial proportion of any contract or subcontract

for disaster relief within the disaster area for such declared disaster, as determined by the Administrator.''.

SEC. 209. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007''.

SEC. 210. INCREASING COLLATERAL REQUIREMENTS.

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636), as so designated by section 101, is amended by striking ''$10,000 or less'' and inserting ''$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a catastrophic national disaster declared under subsection (b)(6))''.

TITLE III—DISASTER RESPONSE

SEC. 301. DEFINITIONS.

In this title—

(1) the term ''catastrophic national disaster'' has the meaning given the term in section 7(b)(6) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(2) the term ''declared disaster'' means a major disaster or a catastrophic national disaster;

(3) the term ''disaster loan program of the Administration'' means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(4) the term ''disaster update period'' means the period beginning on the date on which the President declares a major disaster or a catastrophic national disaster and ending on the date on which such declaration terminates;

(5) the term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(6) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

SEC. 302. BUSINESS EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''immediate disaster assistance'' means assistance provided during the period beginning on the date on which a disaster declaration is made and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term ''program'' means the expedited disaster assistance business loan program established under subsection (b); and

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(B) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(C) shall have no prepayment penalty;

(D) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act; and

(E) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 303. CATASTROPHIC NATIONAL DISASTERS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

''(6) CATASTROPHIC NATIONAL DISASTERS.—

''(A) DEFINITION.—In this paragraph the term 'catastrophic national disaster' means a disaster, natural or other, that the President determines has caused significant adverse economic conditions outside of the geographic reach of the disaster.

''(B) AUTHORIZATION.—The Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of a catastrophic national disaster.

''(C) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).''.

SEC. 304. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (6), as added by this Act, the following:

''(7) COORDINATION WITH FEMA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster (including a catastrophic national disaster) declared under this subsection or major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) begin on the same date and end on the same date.

''(B) DEADLINE EXTENSIONS.—Notwithstanding any other provision of law—

''(i) not later than 10 days before the closing date of an application period for disaster relief under this Act for any disaster (including a catastrophic national disaster) declared under this subsection, the Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives as to whether the Administrator intends to extend such application period; and

''(ii) not later than 10 days before the closing date of an application period for disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) for which the President has declared a catastrophic national disaster under paragraph (6), the Director of the Federal Emergency Management Agency, in consultation with the Administrator, shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives as to whether the Director intends to extend such application period.

''(8) PUBLIC AWARENESS OF DISASTERS.—If a disaster (including a catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

''(A) the date of such declaration;

''(B) cities and towns within the area of such declaration;

''(C) loan application deadlines related to such disaster;

''(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

''(E) links to relevant Federal and State disaster assistance websites;

''(F) information on eligibility criteria for Federal Emergency Management Agency disaster assistance applications, as well as for Administration loan programs, including where such applications can be found; and

''(G) application materials that clearly state the function of the Administration as

the Federal source of disaster loans for homeowners and renters.''.

(b) COORDINATION OF AGENCIES AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator and the Director of the Federal Emergency Management Agency shall enter into a memorandum of understanding that ensures, to the maximum extent practicable, adequate lodging and transportation for employees of the Administration, contract employees, and volunteers during a major disaster, if such staff are needed to assist businesses, homeowners, or renters in recovery.

(c) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) distinguishes between disaster services provided by the Administration and disaster services provided by the Federal Emergency Management Agency, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and what eligibility requirements exist for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

SEC. 305. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 306. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

''(9) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

''(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or a catastrophic national disaster declared under paragraph (6), under which the Administrator shall pay the contractor a fee for each loan processed.

''(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or a catastrophic national disaster declared under paragraph (6), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.''.

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

(c) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

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

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Administration's Accelerated Disaster Response Initiative; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

SEC. 307. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than March 15, 2007, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the ''disaster response plan'') to apply to major disasters and catastrophic national disasters, consistent with this Act and the amendments made by this Act; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The amended report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administrator can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the system in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in cooperation with the Director of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) EXERCISES.—Not later than May 31, 2007, the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

SEC. 308. CONGRESSIONAL OVERSIGHT.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) DEFINITION.—In this subsection the term ''applicable period'' means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the

closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster.

(2) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

(3) CONTENTS.—Each report under paragraph (2) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (2);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) DAILY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster or a catastrophic national disaster, as the case may be.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans dispersed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully dispersed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for such loan program.

(d) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a declared disaster, and every 6 months thereafter until the date that is 18 months after the date on which the declared disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of the declared disaster.

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

(A) the total number of contracts awarded as a result of the declared disaster;

(B) the total number of contracts awarded to small business concerns as a result of the declared disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of the declared disaster; and

(D) the total number of contracts awarded to local businesses as a result of the declared disaster.

TITLE IV—ENERGY EMERGENCIES

SEC. 401. FINDINGS.

Congress finds that—

(1) a significant number of small business concerns in the United States, nonfarm as well as agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small business concerns dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983 to 1984, 1988 to 1989, 1996 to 1997, 1999 to 2000, 2000 to 2001, and 2004 to 2005; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small business concerns.

SEC. 402. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (9), as added by this Act, the following:

''(10) ENERGY EMERGENCIES.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

''(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

''(iv) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

''(B) AUTHORIZATION.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004.

''(C) INTEREST RATE.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

''(E) DECLARATIONS.—For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) USE OF FUNDS.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting '', significant increase in the price of heating fuel'' after ''civil disorders''; and

(2) by inserting ''other'' before ''economic''.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator under section 404.

SEC. 403. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking ''operations have'' and inserting ''operations (i) have''; and

(B) by inserting before '': *Provided*,'' the following: '', or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2004, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2004, in connection with an energy emergency declared by the President or the Secretary'';

(2) in the third sentence, by inserting before the period at the end the following: ''or by an energy emergency declared by the President or the Secretary''; and

(3) in the fourth sentence—

(A) by inserting ''or energy emergency'' after ''natural disaster'' each place that term appears; and

(B) by inserting ''or declaration'' after ''emergency designation''.

(b) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from energy emergencies.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 404.

SEC. 404. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this title and the amendments made by this title.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(10)(A)(iv)(II) of the Small Business Act, as added by this Act.

SEC. 405. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under section 404, and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(10) of the Small Business Act, as added by this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(10) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(10), if any.

(b) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under section 404, and annually thereafter until the date that is 12 months after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this title, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(1) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); and

(2) contains recommendations for ways to improve the assistance provided under such section 321(a), if any.

Ms. LANDRIEU. Mr. President, as we all know, there was a tremendous amount of criticism of the Federal Government's response to Hurricanes Katrina and Rita last year. Things are better now and the region is slowly recovering. But, having just finished the 2006 hurricane season, and with the 2007 season a few months away, we must be sure that if we have another disaster, the Federal Government's response will be better this time around. Disaster response agencies have to be better organized, more efficient, and more responsive in order to avoid the problems, the delays, mismanagement, and the seeming incompetence that occurred in 2005.

Today, I am proud to be an original cosponsor of legislation to improve the disaster response of one agency that had a great deal of problems last year, the Small Business Administration, SBA. This bill, the ''Small Business Disaster Response and Loan Improvements Act'' makes major improvements to the SBA's disaster response and provides them with essential tools to ensure that they are more efficient and better prepared for future disasters—big and small. I should also note that this bill is a result of intensive bipartisan work over the past couple of months and was introduced shortly before the 109th Congress adjourned as S. 4097. Unfortunately, there was no action on that bill so it must be reintroduced in the new Congress. I strongly believe though we can secure passage during this Congress as the bill is reflective of the priorities from Senators KERRY and SNOWE, respectively, Chair and Ranking Member of the Senate Small Business Committee, as well as Senators LANDRIEU and VITTER. For my part, I have heard loud and clear from our impacted businesses that SBA reforms should be implemented as soon as possible. That is why in September, I sent a letter to the new SBA Administrator Steve Preston, expressing concerns on the lack of progress on SBA disaster reforms, which were included in S. 3778, the FY07 SBA Reauthorization bill reported out of the Senate Small Business Committee. In this letter, I requested his cooperation, along with our committee to pass this important legislation before Congress adjourns at the end of the year. The introduction of this bill today, shows the progress that the committee made since September on this issue. I hope that this spirit of bipartisanship continues into the 110th Congress and that I can continue to work with my colleagues on the Senate Small Business Committee to reform SBA.

This legislation offers new tools to enhance SBA's disaster assistance programs. In every disaster, the SBA Disaster Loan program is a lifeline for

businesses and homeowners who want to rebuild their lives after a catastrophe. When Hurricane Katrina hit, our businesses and homeowners had to wait months for loan approvals. I do not know how many businesses we lost because help did not come in time. Because of the scale of this disaster, what these businesses needed was immediate, short-term assistance to hold them over until SBA was ready to process the tens of thousands of loan applications it received.

That is why this legislation provides the SBA Administrator with the ability to set up an expedited disaster assistance business loan program to make short-term, low-interest loans to keep them afloat. These loans will allow businesses to make payroll, begin making repairs, and address other immediate needs while they are awaiting insurance payouts or regular SBA disaster loans. However, I realize that every disaster is different and could range from a disaster on the scale of Hurricane Katrina or 9–11, to an ice storm or drought. This legislation gives the SBA additional options and flexibility in the kinds of relief they can offer a community. When a tornado destroys 20 businesses in a small town in the Midwest, SBA can get the regular disaster program up and running fairly quickly. You may not need short-term loans in this instance. But if you know that SBA's resources would be overwhelmed by a storm—just as they were initially with Hurricane Katrina—these expedited business loans would be very helpful.

This legislation also would direct SBA to study ways to expedite disaster loans for those businesses in a disaster area that have a good, solid track record with the SBA or can provide vital recovery efforts. We had many businesses in the Gulf Coast that had paid off previous SBA loans, were major sources of employment in their communities, but had to wait months for decisions on their SBA disaster loan applications. I do not want to get rid of the SBA's current practice of reviewing applications on a first-come first-served basis, but there should be some mechanism in place for major disasters to get expedited loans out the door to specific businesses that has a positive record with SBA or those that could serve a vital role in the recovery efforts. Expedited loans would jumpstart impacted economies, get vital capital out to businesses, and retain essential jobs following future disasters.

This bill also makes an important modification to the collateral requirements for disaster loans. The SBA cannot disburse more than $10,000 for an approved loan without showing collateral. This is to limit the loss to the SBA in the event that a loan defaults. However, this disbursement amount has not been increased since 1998 and these days, $10,000 is not enough to get a business up and running. That is why this bill increases this collateral requirement to $14,000 and gives the Administrator the ability to increase that amount, in the event of another large-scale disaster. I believe this is a reasonable and fiscally responsible increase, and at the same time gives the Administrator flexibility for future disasters which will inevitably occur.

As you may know, I pushed to get language in the last Hurricane Supplemental Appropriations bill in June 2006 to require SBA to develop a disaster plan and report to Congress on its contents by July 15, 2006. SBA provided this status report in July and I am pleased that, since then, SBA has been working on a comprehensive disaster response plan. That said, I believe that with the 2007 Atlantic hurricane season fast approaching, and other disasters possible before then, the SBA should be looking at additional ways to improve upon this plan. This legislation requires SBA to report to Congress, by March 15, 2007 on the current status of its response plan and to provide us with a snapshot of where they were with Hurricane Katrina and where they are now. The report also requests SBA feedback on suggested improvements. These improvements include better incorporating State disaster assistance efforts into SBA's response, as well as better coordination with Federal response agencies like FEMA.

The Small Business Disaster Response and Loan Improvements Act will provide essential tools to make the SBA more proactive, flexible, and most important, more efficient during future disasters. Again, I look forward to working with both Senator SNOWE and Senator KERRY during this new session of Congress to ensure that the SBA has everything it needs to meet these goals.

I ask unanimous consent that a copy of my September 27, 2006 letter to SBA be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 27, 2006.

Hon. STEVEN C. PRESTON,
Administrator, U.S. Small Business Administration, Washington, D.C.

DEAR ADMINISTRATOR PRESTON: Let me take this opportunity to again congratulate you on your confirmation as Administrator of the U.S. Small Business Administration (SBA). Your management experience and passion to serve will prove extremely helpful to you in this challenging position.

I write you today because as a member of the Senate Committee on Small Business and Entrepreneurship, as well as senator from a state hit hard by both Hurricanes Katrina, and Rita. I believe it is my duty to ensure that we implement substantive changes to SBA's Disaster Assistance Program during this session of Congress.

The SBA's response to Katrina and Rita was too slow and lacking in urgency—threatening the very survival of our affected businesses. A year has passed since Hurricanes Katrina and Rita, yet while Congress is currently acting on extensive reforms for the Federal Emergency Management Agency (FEMA), there has been only incremental changes to SBA's Disaster Assistance Program. That is why I am pleased to learn that you have recently created the Accelerated Disaster Response Initiative to identify and help implement process improvements to enable the SBA to respond more quickly in assisting small businesses and homeowners in need of assistance after a disaster. I applaud these efforts and your leadership on this issue. But much more must be done to address the systemic problems that led to delays and inaction post-Katrina and Rita.

For our part, the Senate is also attempting to address the multiple problems that hampered SBA's ability to assist impacted Gulf Coast small businesses and homeowners. Under the leadership of the Chair and Ranking Member of the Senate Committee on Small Business and Entrepreneurship, Senators Snowe and Kerry, the committee voted unanimously to approve S. 3778, the ''Small Business Reauthorization and Improvements Act of 2006'' and sent it to the full Senate for consideration. A copy of the bill is attached for your convenience. This bipartisan legislation reauthorizes SBA programs, and also of great importance to me and my constituents, makes essential reforms to SBA's Disaster Assistance Program. However, since S. 3778 was introduced on August 2, 2006, almost nine weeks ago, it has been blocked from consideration and the Committee is still waiting for budget information so that it may file its report on the bill. It is my understanding that the administration and SBA has several concerns about this bill in its current form.

I am very concerned at this apparent deadlock, a deadlock which threatens our bipartisan efforts to implement comprehensive SBA Disaster Assistance reforms before the end of the year. In particular, I believe that there must be SBA reforms in the following areas:

Short-Term Assistance: Following Katrina and Rita small businesses waited, on average, four to six months for approvals and disbursements on SBA Disaster Loans, In order to ensure the long-term survival of small businesses impacted by a catastrophic disaster, SBA needs to be in the business of short-term recovery—by providing either emergency bridge loans or grants.

Disaster Loan Process for Homeowners: While SBA's mission is to ''aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns'' it also has the added responsibility of helping affected homeowners rebuild their housing post-disaster. Katrina and Rita resulted in record numbers of SBA Disaster Loan applications from homeowners, which strained SBA's existing resources and personnel. If the SBA must bear this responsibility, the agency should improve the process as well as possibly seek greater coordination and cooperation with the U.S. Department of Housing and Urban Development on disaster housing assistance.

Expedited Disaster Loans to Businesses: The SBA currently has no mechanism in place to expedite Disaster Loans to impacted businesses that are either a major source of employment or that can demonstrate a vital contribution to recovery efforts in the area, such as businesses who construct housing, provide building materials, or conduct debris removal. The SBA needs the ability to fast-track loans to these businesses, in order to

jumpstart local economies and recovery efforts.

Economic Injury Disaster Loans: Although Katrina and Rita directly affected businesses along the Gulf Coast, additional businesses in the region, as well as the rest of the country, were economically impacted by the storms. The SBA must have the ability to provide nationwide, or perhaps regional, economic injury disaster loans to businesses which can demonstrate economic distress or disruption from a future major disaster.

Loss Verification and Loan Processing: Following the Gulf Coast hurricanes, the SBA struggled for months to hire enough staff to inspect losses and process loan applications. Although SBA now has trained reserves to handle such surges in demand, the SBA also needs the permanent authority to enter into agreements with qualified private lenders and credit unions to process Disaster Loans and provide loss verification services.

Administrator Preston, I was impressed by your expressed willingness to be a bridge between Congress and the White House. For the SBA to truly bring its disaster capabilities to the next level, I believe that it must work in concert with the Congress. Together, we must remove layers of bureaucracy and red tape, which, following Katrina and Rita, both overwhelmed and frustrated dedicated SBA employees and those affected by the hurricanes. We must also give the SBA new tools to ensure that problems that occurred post-Katrina and Rita never happen again.

Last month we marked the one-year anniversary of Hurricane Katrina, and now mark the one-year anniversary of Hurricane Rita. It is essential that we take action now to make substantive reforms to the SBA Disaster Assistance Program. We owe nothing less to our small businesses. I ask that you continue working with my office on this important issue and respond to our approach in writing no later than October 31, 2006. This will help us develop a proposal which can address the concerns of the SBA as well as provide a better and more responsive SBA Disaster Assistance Program for our Small businesses.

Thank you in advance for your assistance with this request.

Sincerely,

MARY L. LANDRIEU,
United States Senator.

By Mr. KENNEDY:

S. 164. A bill to modernize the education system of the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, few things are more indispensable to the United States than good schools. Today more than ever, a quality education is the gateway to achieving the American dream and the best guarantee of equal opportunity for all our people, good citizenship, and an economy capable of mastering modern global challenges.

In 1965, as part of the War on Poverty, President Johnson signed into law the landmark Elementary and Secondary Education to strengthen America by allocating substantial Federal resources to public schools for the first time. In the bipartisan No Child Left Behind Act of 2002, we reauthorized this landmark legislation, and for the first time made a commitment that every child—black or white, Latino or Asian, native-born or an English language learner, disabled or non-disabled—would be part of an accountability plan that holds schools responsible for the progress of all students. It required every State to implement content and performance standards specifying what children should know and be able to do, and urged States to create high-quality assessments so that students' progress toward meeting those standards could be accurately measured. It expanded support for early reading and literacy skills and offered extra tutoring to students in struggling schools. It sought to improve the quality of instruction by requiring all schools to provide a highly-qualified teacher for every child.

We know these reforms can work. But good results are not possible without adequate investments. The No Child Left Behind Act recognized that to move forward with these dramatic changes, schools would need a continued infusion of Federal resources, because the cost was obviously too great for States and local governments to bear alone.

Today, because of budget cuts and poor implementation, we still have much to do to ensure that no child is left behind. President Bush has shortchanged the promise made in the law by nearly $56 billion, leaving millions of children without the resources needed to reduce class sizes, improve teaching, and set higher standards for our schools. Now, more than ever, it's important to deliver the resources our schools deserve. Thousands of schools are on watchlists in their States and need Federal support and extra assistance to bridge the learning gaps of their students.

The No Child Left Behind Act is again scheduled for reauthorization this year, and we must work to ensure that its promise is fulfilled. Aside from additional funding, one of our priorities must be to ensure that the standards and assessments used to measure progress are fair and reliable. Accountability is only as good as the tests to measure progress, and many States use tests that need substantial improvement. Some use exams that are not aligned to the standards that students must meet. Others have manufactured artificially high test score gains by lowering standards and adjusting test scores in order to avoid unfavorable consequences under the law's accountability framework.

We need to shift our understanding of the Act away from the idea that it labels and penalizes schools, and toward a more productive framework that helps schools and States reach higher, not lower. We should use the well-regarded National Assessment of Educational Progress the ''Nation's report card'' as a benchmark for the rigor of State exams. States should also align their elementary and secondary school standards with their standards for college entrance and success, creating seamless systems that guide students from the beginning of their education to the achievement of a college degree.

The SUCCESS Act I am introducing today would assist States in these efforts. As the name suggests, it would provide Federal support for States Using Collaboration and Cooperation to Enhance Standards for Students. It would help ensure that public schools challenge all students to learn to high standards and provide needed help to schools with the greatest needs.

The legislation updates the Nation's report card the National Assessment of Educational Progress to ensure that it sets a national benchmark which is internationally competitive and is aligned with the demands of the 21st century global economy. It expands our ability to monitor science achievement. It requires the NAEP to measure student preparedness to enter college, the 21st century workforce, or the Armed Services. It also requires the Secretary of Education to examine the gaps in student performance on state-level assessments and NAEP assessments, and to assist States that wish to analyze how their standards and assessments compare to the benchmark.

The SUCCESS Act provides critical resources to States to create ''P–16'' Preparedness Councils that will engage members of the early childhood, K–12 and higher education communities, along with the business and military communities, and other stakeholders to align the standards with what is needed for success in college and the workforce. The councils would be charged with ensuring that State standards and assessments meet international benchmarks to improve instruction and student achievement and prepare students to contribute in the global economy. It also provides funds to encourage collaboration among States in raising the bar for student achievement by providing grants to States working together to establish common standards and assessments that are rigorous, internationally competitive, and aligned with postsecondary demands.

I look forward to working with my colleagues on this and other important proposals as we move toward the reauthorization of the No Child Left Behind Act. In the coming weeks, our Committee on Health, Education, Labor and Pensions will hold a series of hearings and roundtable discussions to hear from experts and those dealing with the challenges of the current law on a daily basis. Our goal is to work on a bipartisan basis with all our colleagues in the Senate and in the House and with the Administration to develop a strong bipartisan bill that builds on the positive aspects of the law, addresses the concerns about its implementation, and encourages reforms that we

know will work to help students succeed.

Teachers deserve the resources they need to help students achieve at higher levels. In many schools, the most valuable resource that teachers require is time. Yet the U.S. ranks 11th among industrialized nations in the number of days children attend school. Innovative approaches are needed to extend the school day and year in high-need schools. We should recruit Americorps volunteers to coordinate academically oriented extended-day programs for students and assist teachers during the school day.

We must also ensure that students in high poverty schools have access to good teachers. We should create incentives to attract the best teachers to the neediest schools, including increased salaries for teachers and principals with strong track records of success who work in hard-to-staff schools, and by creating ''career advancement systems'' in which highly effective teachers serve as instructional leaders for new or less successful teachers. To help teachers improve their teaching, we should invest more in training them to use the best data to improve instruction.

We should also help parents by replicating Boston's successful initiative to place parent-family outreach coordinators in every high-poverty school, and offer grants to school districts to support community programs that address children's social, emotional and other non-academic needs.

We must invest in these and other reforms to give schools the resources they need to close the achievement gap and ensure that all students can stay on track to graduate and succeed.

Experience shows that each year yields greater success when policymakers and educators commit in the long term to higher standards, better teacher training, stronger accountability, and extra help for students in need. The initial implementation of the No Child Left Behind Act has been flawed, but we can't abandon its vision of an America in which every child is important and deserves to be educated and enjoy the full benefits of our society.

That vision is as enduring as America itself. As John Adams wrote in the Massachusetts Constitution of 1780, the education of the people is ''necessary for the preservation of their rights and liberty.'' More than two hundred years later, we need to recapture that spirit, and make ''No Child Left Behind'' a reality, not merely a slogan.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 164

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 ''States Using Collaboration and Coordination to Enhance Standards for Students Act of 2007'' or the ''SUCCESS Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Throughout our Nation's history, the skills and education of our workforce have been a major determinant of the standard of living of the people of the United States.

(2) According to the most recent National Assessment of Educational Progress, only 36 percent of the students in grade 4 and 30 percent of the students in grade 8 reach the proficient level in mathematics. In reading, only 31 percent of the students in grades 4 and 8 reach the proficient level. In science, only 29 percent of the students in grades 4 and 8 reach the proficient level.

(3) A State-by-State comparison of the 2005 National Assessment of Educational Progress average scale scores for 8th grade mathematics reveals that 31 States—more than ½ of the States in the Nation—scored more than 10 points (about 1 grade level) below the highest scoring State, Massachusetts.

(4) Student achievement in mathematics and science in elementary school and secondary school in the United States lags behind other nations, according to the Trends in International Mathematics and Science study and other studies, including the Programme for International Student Assessment, that recently ranked United States secondary school students 28th out of 40 first- and second-world nations, and tied with Latvia, in mathematics performance and problem solving.

(5) According to a report released in August, 2006, the Nation loses more than $3,700,000,000 a year in the costs of remedial education and in individuals' reduced earning potential because students are not learning the basic skills they need to succeed after high school.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To ensure students receive an education competitive with other industrialized countries.

(2) To assist States in improving the rigor of standards and assessments.

(3) To provide for the establishment of prekindergarten through grade 16 student preparedness councils to better link early childhood education and school readiness with elementary school success, elementary student skills with success in secondary school, and secondary student skills and curricula, especially with respect to reading, mathematics, and science, with the demands of higher education, the 21st century workforce, and the Armed Forces, in order to ensure that greater number of students, especially low-income and minority students, complete secondary school with the coursework and skills necessary to enter—

(A) credit-bearing coursework in higher education without the need for remediation;

(B) high-paying employment in the 21st century workforce; or

(C) the Armed Forces.

(4) To establish a system that encourages local educational agencies to adopt a curriculum that meets State academic content standards and student academic achievement standards and prepares all students for success in elementary school, secondary school, and post-secondary endeavors in the 21st century.

SEC. 4. DEFINITIONS.

In this Act:

(1) IN GENERAL.—The terms ''elementary school'', ''limited English proficient'', ''local educational agency'', ''scientifically based research'', ''secondary school'', ''Secretary'', and ''State educational agency'' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) 21ST CENTURY CURRICULUM.—The term ''21st century curriculum'' means a course of study identified by a State as preparing secondary school students for entrance into credit-bearing coursework in higher education without the need for remediation, employment in the 21st century workforce, or entrance into the Armed Forces. A State shall define the 21st century curriculum in terms of content as well as course names.

(3) ACADEMIC CONTENT STANDARDS; STUDENT ACADEMIC ACHIEVEMENT STANDARDS.—The terms ''academic content standards'' and ''student academic achievement standards'', when used with respect to a particular State, mean the academic content standards and student academic achievement standards adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

(4) CRITICAL-NEED FOREIGN LANGUAGE.—The term ''critical-need foreign language'' means a language included on the list of critical-need foreign languages that the Secretary shall develop and update in consultation with the head official, or a designee of such head official, of the National Security Council, the Department of Homeland Security, the Department of Defense, the Department of State, the Federal Bureau of Investigation, the Department of Labor, and the Department of Commerce, and the Director of National Intelligence.

(5) END OF COURSE EXAMINATION.—The term ''end of course examination'' means an assessment of student learning given at the end of a particular course that is used to measure student learning of State academic content standards in the subject matter of the course.

(6) ENGINEERING AND TECHNOLOGY EDUCATION.—The term ''engineering and technology education'' means a curriculum and instruction that—

(A) uses technology as a knowledge base or as a way of teaching innovation using an engineering design process and context;

(B) develops an appreciation and fundamental understanding of technology through design skills and the use of materials, tools, processes, and limited resources;

(C) is taught in conjunction with applied mathematics, science, language arts, fine arts, and social studies as a part of a comprehensive education;

(D) applies the use of tools and skills employed by a globalized skilled 21st century workforce that are necessary for communication, manufacturing, construction, energy systems, biomedical systems, transportation systems, and other related fields; and

(E) through the application of engineering principles and concepts, develops proficiency in abstract ideas and in problem-solving techniques that build a comprehensive education.

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

(8) PROFESSIONAL DEVELOPMENT.—The term ''professional development'' includes activities that—

(A) improve and increase teachers' knowledge of the academic subjects the teachers

teach, and enable teachers to become highly qualified;

(B) are an integral part of broad educational improvement plans across the school and across the local educational agency;

(C) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet the State academic content standards and student academic achievement standards and the 21st century curriculum demands;

(D) are high-quality, sustained, intensive, and classroom-focused, in order to have a positive and lasting effect on classroom instruction and the teacher's performance in the classroom;

(E) advance teacher understanding of effective instructional strategies that are based on scientifically based research and are directly aligned with the State academic content standards and State assessments;

(F) are designed to give teachers the knowledge and skills to provide instruction and appropriate language and academic support services to limited English proficient students and students with special needs, including the appropriate use of curricula and assessments;

(G) are, as a whole, regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development; and

(H) include instruction in the use of data and assessments to inform and instruct classroom practice.

(9) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(10) STATE ASSESSMENT.—The term ''State assessment'', when used with respect to a particular State, means the student academic assessments implemented by the State pursuant to section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(11) STUDENT PREPAREDNESS.—The term ''student preparedness'' means preparedness based on the knowledge and skills that—

(A) are prerequisites for entrance into—

(i) credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; and

(iii) the Armed Forces;

(B) can be measured and verified objectively using widely accepted professional assessment standards; and

(C) are consistent with widely accepted professional assessment standards and competitive with international levels of preparedness of students for postsecondary success.

SEC. 5. ALIGNING STATE STANDARDS WITH NATIONAL BENCHMARKS.

(a) REPORT ON RESULTS OF STATE ASSESSMENTS AND NATIONAL ASSESSMENT.—Not later than 90 days after each release of the results of the National Assessment of Educational Progress (as carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(2)) and section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2))) in reading or mathematics (or, beginning in 2009, science) in grades 4 and 8, the Secretary shall—

(1) prepare and submit to Congress the report described in subsection (b) on the results of the State assessments and the assessments of reading and mathematics, and, beginning in 2009, science, in grades 4 and 8, required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(2) identify States with significant discrepancies in performance between the 2 assessments, as described in subsection (b)(3).

(b) CONTENTS OF REPORT.—

(1) IN GENERAL.—The report described in this subsection shall include the following information for each subject area and grade described in subsection (a)(1) in each State:

(A) The percentage of students who performed at or above the basic level on the State assessment—

(i) for the most recent applicable year;

(ii) for the preceding year; and

(iii) for the previous year in which the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 was given in such subject,

and the change in such percentages between those assessments.

(B) The percentage of students who performed at or above the proficient level on the State assessment—

(i) for the most recent applicable year;

(ii) for the preceding year; and

(iii) for the previous year in which the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 was given in such subject,

and the change in such percentages between those assessments.

(C) The percentage of students who performed at or above the basic level on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965—

(i) for the most recent applicable year; and

(ii) for the previous such assessment,

and the change in such percentages between those assessments.

(D) The percentage of students who performed at or above the proficient level on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965—

(i) for the most recent applicable year; and

(ii) for the previous such assessment,

and the change in such percentages between those assessments.

(E) The difference between—

(i) the percentage of students who performed at or above the basic level for the most recent applicable year on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(ii) the percentage of students who performed at or above the basic level on the State assessment for such year.

(F) The difference between—

(i) the percentage of students who performed at or above the proficient level for the most recent applicable year on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(ii) the percentage of students who performed at or above the proficient level on the State assessment for such year.

(2) ANALYSIS.—In addition to the information described in paragraph (1), the Secretary shall include in the report—

(A) an analysis of how the achievement of students in grades 4, 8, and 12, and the preparedness of students in grade 12 (when such data on preparedness exists from assessments described in section 303 of the National Assessment of Educational Progress Authorization Act (as amended by this Act)), in the United States compares to the achievement and preparedness of students in other industrialized countries; and

(B) possible reasons for any deficiencies identified in the achievement or preparedness of United States students compared to students in other industrialized countries.

(3) RANKING.—The Secretary shall—

(A) using the information described in paragraph (1), rank the States according to the degree to which student performance on State assessments differs from performance on the assessments required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(B) identify those States with the most significant discrepancies in performance between the State assessments and the assessments required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965.

(c) REPORT ON STATE PROGRESS.—Beginning 5 years after the date of enactment of this Act, the Secretary shall include in the report described in subsection (a)(1) the following:

(1) Information about the progress made by States to decrease discrepancies in student performance on the State assessments and the assessments required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965.

(2) The differences that exist in States across subject areas and grades.

SEC. 6. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS CHANGES.

(a) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 302 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621) is amended—

(1) in subsection (a), by striking ''shall formulate'' and all that follows through the period at the end and inserting ''shall—

''(1) formulate policy guidelines for the National Assessment of Educational Progress (carried out under section 303); and

''(2) carry out, upon the request of a State, an alignment analysis (under section 304) comparing a State's academic content standards and student academic achievement standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, assessment specifications, assessment questions, and performance standards with national benchmarks reflected in the assessments authorized under this Act.'';

(2) in subsection (b)(1), by adding at the end the following:

''(O) One representative of the Armed Forces with expertise in military personnel requirements and military preparedness, who shall serve as an ex-officio, nonvoting member.'';

(3) in subsection (c), by striking paragraph (4);

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and grade 12 student preparedness levels'' after ''achievement levels'';

(ii) in subparagraph (D), by inserting ''members of the business and military communities,'' after ''parents,'';

(iii) in subparagraph (E), by inserting ''and'' after ''subject matter,'';

(iv) by redesignating subparagraphs (G), (H), (I), and (J) as subparagraphs (H), (I), (K), and (L), respectively;

(v) by inserting after subparagraph (F) the following:

''(G) consistent with section 303, measure grade 12 student preparedness;'';

(vi) by inserting after subparagraph (I) (as redesignated by clause (iv)) the following:

''(J) ensure the rigor of the National Assessment of Educational Progress framework and assessments, taking into consideration—

''(i) the knowledge and skills that are prerequisite to credit-bearing coursework in higher education without the need for remediation, the 21st century workforce, and the Armed Forces; and

''(ii) rigorous international content and performance standards, and how the achievement of students in grades 4, 8, and 12, and the preparedness of students in grade 12, in the United States compare to the achievement and the preparedness of students in other industrialized countries;'';

(vii) in subparagraph (K) (as redesignated by clause (iv)), by striking ''and'' after the semicolon;

(viii) in subparagraph (L) (as redesignated by clause (iv)), by striking the period at the end and inserting ''; and'';

(ix) by inserting after subparagraph (L) the following:

''(M) conduct an alignment analysis as described in section 304 for each State that requests such analysis.''; and

(x) in the flush matter at the end—

(I) by inserting ''for an assessment'' after ''data'';

(II) by inserting ''Assessment Board's'' after ''prior to the''; and

(III) by striking ''(J)'' and inserting ''(L)'';

(B) in paragraph (4), by inserting ''of Educational Progress'' after ''National Assessment'';

(C) in paragraph (5), in the paragraph heading, by inserting ''ADVICE'' after ''TECHNICAL''; and

(D) in paragraph (6), by inserting ''or grade 12 student preparedness levels'' after ''student achievement levels''; and

(5) in subsection (g)(1), by inserting ''of Educational Progress'' after ''National Assessment''.

(b) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''PURPOSE'' and inserting ''PURPOSES'';

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

''(1) PURPOSES.—The purposes of this section are—

''(A) to provide, in a timely manner, a fair and accurate measurement of student achievement and grade 12 student preparedness in reading, mathematics, science, and other subject matter as specified in this section; and

''(B) to report trends in student achievement and grade 12 student preparedness in reading, mathematics, science, and other subject matter as specified in this section.'';

(C) in paragraph (2)—

(i) in subparagraph (B), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science'';

(ii) by striking subparagraph (C) and inserting the following:

''(C) conduct a national assessment and collect and report assessment data, including achievement and student preparedness data trends, in a valid and reliable manner on student academic achievement and student preparedness in public and private schools in reading, mathematics, and science at least once every 2 years in grade 12;'';

(iii) in subparagraph (D)—

(I) by striking ''subparagraph (B) are implemented and the requirements described in subparagraph (C) are met,'' and inserting ''subparagraphs (B) and (C) are implemented,''; and

(II) by striking ''science,'';

(iv) in subparagraph (E)—

(I) by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science''; and

(II) by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''; and

(v) in subparagraph (H), by striking ''achievement data'' and inserting ''student achievement data and grade 12 student preparedness data'';

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science'';

(II) in clause (ii)—

(aa) by inserting ''and grade 12 student preparedness'' after ''achievement''; and

(bb) by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science''; and

(III) in clause (iv), by striking ''an evaluation'' and inserting ''a review''; and

(ii) in subparagraph (C)(ii), by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science'';

(E) in paragraph (4)(B), by striking '', require, or influence'' and inserting ''or require''; and

(F) in paragraph (5)(B), by striking ''academic achievement'' and inserting ''academic achievement or grade 12 student preparedness'';

(2) in subsection (c)(3)(A), by striking ''academic achievement'' and inserting ''academic achievement or grade 12 preparedness'';

(3) in subsection (d)(3)—

(A) in subparagraph (A), by striking ''reading and mathematics in grades 4 and 8'' and inserting ''reading, mathematics, and science in grades 4 and 8''; and

(B) in subparagraph (B), by striking ''reading and mathematics assessments in grades 4 and 8'' and inserting ''reading, mathematics, and science assessments in grades 4 and 8'';

(4) in subsection (e)—

(A) in the subsection heading, by inserting ''AND GRADE 12 STUDENT PREPAREDNESS LEVELS'' after ''LEVELS'';

(B) in paragraph (1)—

(i) by striking the paragraph heading and inserting ''DEVELOPMENT.—''; and

(ii) by inserting '', and develop grade 12 student preparedness levels'' after ''subsection (b)(2)(F)'';

(C) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) STUDENT ACHIEVEMENT AND GRADE 12 PREPAREDNESS LEVELS.—

''(i) STUDENT ACHIEVEMENT LEVELS.—The student achievement levels described in paragraph (1) shall be determined by—

''(I) identifying the knowledge and skills that—

''(aa) are prerequisite to credit-bearing coursework in higher education without the need for remediation in English, mathematics, or science, participation in the 21st century workforce, and the Armed Forces or, in the case of grade 4 and grade 8 students, are prerequisite to grade 12 preparedness;

''(bb) are competitive with rigorous international content and performance standards; and

''(cc) can be measured and verified objectively using widely accepted professional assessment standards; and

''(II) developing student achievement levels that are—

''(aa) based on the knowledge and skills identified in subclause (I);

''(bb) based on the appropriate level of subject matter knowledge for the grade levels to be assessed, or the age of the students, as the case may be; and

''(cc) consistent with relevant widely accepted professional assessment standards.

''(ii) GRADE 12 STUDENT PREPAREDNESS LEVELS.—The grade 12 student preparedness levels described in paragraph (1) shall be determined by—

''(I) identifying the knowledge and skills that—

''(aa) are prerequisite to credit-bearing coursework in higher education without the need for remediation in English, mathematics, or science, participation in the 21st century workforce, and the Armed Forces;

''(bb) are competitive with rigorous international content and performance standards; and

''(cc) can be measured and verified objectively using widely accepted professional assessment standards; and

''(II) developing grade 12 student preparedness levels that are—

''(aa) based on the knowledge and skills identified in subclause (I); and

''(bb) consistent with widely accepted professional assessment standards.''; and

(ii) in subparagraph (C), by striking ''achievement levels'' and inserting ''student achievement levels and grade 12 student preparedness levels'';

(D) in paragraph (3)—

(i) by striking ''After determining that such levels'' and inserting ''After determining that the student achievement levels and grade 12 student preparedness levels''; and

(ii) by striking ''an evaluation'' and inserting ''a review''; and

(E) in paragraph (4), by inserting ''or grade 12 student preparedness levels'' after ''achievement levels''; and

(5) in subsection (f)(1)—

(A) in subparagraph (A), by inserting ''and grade 12 student preparedness levels'' after ''student achievement levels''; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting ''or grade 12 student preparedness'' after ''achievement'';

(ii) in clause (ii), by inserting ''and grade 12 student preparedness levels'' after ''achievement levels'';

(iii) by striking clause (iii) and inserting the following:

''(iii) whether any authorized assessment is being administered as a random sample and is reporting the trends in student achievement or grade 12 student preparedness in a valid and reliable manner in the subject areas being assessed;'';

(iv) in clause (iv), by striking ''and'' after the semicolon;

(v) in clause (v), by striking ''and mathematical knowledge.'' and inserting ''and mathematical knowledge and scientific knowledge; and''; and

(vi) by adding at the end the following:

''(vi) whether the appropriate authorized assessments are measuring, consistent with this section, the preparedness of students in grade 12 in the United States for entry into—

''(I) credit-bearing coursework in higher education without the need for remediation in English, mathematics, or science;

''(II) the 21st century workforce; and

''(III) the Armed Forces.''.

(c) NATIONAL BENCHMARKS.—The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(2) by inserting after section 303 the following:

''SEC. 304. NATIONAL BENCHMARKS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to encourage the coordination of, and consistency between—

''(A) a State's academic content standards and student academic achievement standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, assessment specifications, and assessment questions; and

''(B) national benchmarks, as reflected in the National Assessment of Educational Progress;

''(2) to assist States in increasing the rigor of their State academic content standards, student academic achievement standards, assessment specifications, and assessment questions, to ensure that such standards, specifications, and questions are competitive with rigorous national and international benchmarks; and

''(3) to improve the instruction and academic achievement of students, beginning in the early grades, to ensure that secondary school graduates are well-prepared to enter—

''(A) credit-bearing coursework in higher education without the need for remediation;

''(B) the 21st century workforce; or

''(C) the Armed Forces.

''(b) ALIGNMENT ANALYSIS.—

''(1) IN GENERAL.—When the chief State school officer of a State identifies a need for, and requests the Assessment Board to conduct, an alignment analysis for the State in reading, mathematics, or science in grades 4 and 8, the Assessment Board shall perform an alignment analysis of the State's academic content standards and student academic achievement standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), assessment specifications, and assessment questions, for the identified subject in grades 4 and 8. Such analysis shall begin not later than 180 days after the alignment analysis is requested.

''(2) ASSESSMENT BOARD RESPONSIBILITIES.—As part of the alignment analysis, the Assessment Board shall—

''(A) identify the differences between the State's academic content standards and student academic achievement standards, assessment specifications, and assessment questions for the subject identified by the State, and national benchmarks reflected in the National Assessment of Educational Progress in such subject in grades 4 and 8;

''(B) at the State's request, recommend steps for, and policy questions such State should consider regarding, the alignment of the State's academic content standards and student academic achievement standards in the identified subject, with national benchmarks reflected in the National Assessment of Educational Progress in such subject in grades 4 and 8; and

''(C) at the State's request, and in conjunction with a State prekindergarten through grade 16 student preparedness council established under section 7 of the States Using Collaboration and Coordination to Enhance Standards for Students Act of 2007, assist in the development of a plan described in section 7(e)(1)(C) of such Act.

''(3) CONTRACT.—At the discretion of the Assessment Board, the Assessment Board may enter into a contract with an entity that possesses the technical expertise to conduct the analysis described in this subsection.

''(4) STATE PANEL.—The chief State school officer of a State participating in an alignment analysis described in this subsection shall appoint a panel of not less than 6 individuals to partner with the Assessment Board in conducting the alignment analysis. Such panel—

''(A) shall include—

''(i) local and State curriculum experts;

''(ii) relevant content and pedagogy experts, including representatives of entities with widely accepted national educational standards and assessments; and

''(iii) not less than 1 entity that possesses the technical expertise to assist the State in implementing standards-based reform, which may be the same entity with which the Assessment Board contracts to conduct the analysis under paragraph (3); and

''(B) may include other State and local representatives and representatives of organizations with relevant expertise.''.

(d) DEFINITION OF SECRETARY.—Section 305 of the National Assessment of Educational Progress Authorization Act (as redesignated by subsection (c)(1)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Education.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 306(a) of the National Assessment of Educational Progress Authorization Act (as redesignated by subsection (c)(1)) is amended—

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

''(1) for fiscal year 2008—

''(A) $7,500,000 to carry out section 302;

''(B) $200,000,000 to carry out section 303; and

''(C) $10,000,000 to carry out section 304; and''; and

(2) in paragraph (2)—

(A) by striking ''5 succeeding'' and inserting ''4 succeeding''; and

(B) by striking ''and 303, as amended by section 401 of this Act'' and inserting '', 303, and 304''.

(f) CONFORMING CHANGES AND AMENDMENTS.—

(1) CONFORMING CHANGES TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) STATE PLANS.—Section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)) is amended by striking ''and mathematics'' and inserting '', mathematics, and science''.

(B) LOCAL EDUCATIONAL AGENCY PLANS.—Section 1112(b)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)(F)) is amended by striking ''reading and mathematics'' and inserting ''reading, mathematics, and science''.

(2) CONFORMING AMENDMENT.—Section 113(a)(1) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9513(a)(1)) is amended by striking ''section 302(e)(1)(J)'' and inserting ''section 302(e)(1)(L)''.

SEC. 7. PREKINDERGARTEN THROUGH GRADE 16 STUDENT PREPAREDNESS COUNCIL GRANTS.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts appropriated under subsection (g) for a fiscal year, the Secretary is authorized to award, on a competitive basis, grants to States for the purpose of allowing the States to establish State prekindergarten through grade 16 student preparedness councils (referred to in this section as ''councils'') that—

(A) convene stakeholders within the State and create a forum for identifying and deliberating on educational issues that cut across prekindergarten through grade 12 education and higher education, and transcend any single system of education's ability to address;

(B) develop and implement a plan for improving the rigor of a State's academic content standards, student academic achievement standards, assessment specifications, and assessment questions as necessary, to ensure such standards and assessments meet national and international benchmarks as reflected in the assessments required under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(2)) or as defined by the council as necessary for success in credit-bearing coursework in higher education without the need for remediation, the 21st century workforce, or the Armed Forces;

(C) inform the design and implementation of integrated prekindergarten through grade 16 data systems, which—

(i) will allow the State to track the progress of individual students from prekindergarten through grade 12 and into higher education; and

(ii) shall be capable of being linked with appropriate databases on service in the Armed Forces and participation in the 21st century workforce; and

(D) develop challenging—

(i) school readiness standards;

(ii) curricula for elementary schools and middle schools; and

(iii) 21st century curricula for secondary schools.

(2) DURATION.—The Secretary shall award grants under this section for a period of not more than 5 years.

(3) EXISTING STATE COUNCIL.—A State with an existing State council may qualify for the purposes of a grant under this section if—

(A) such council—

(i) has the authority to carry out this section; and

(ii) includes the members required under subsection (b); or

(B) the State amends the membership or responsibilities of the existing council to meet the requirements of subparagraph (A).

(b) COMPOSITION.—

(1) REQUIRED MEMBERS.—The members of a council described in subsection (a) shall include—

(A) the Governor of the State or the designee of the Governor;

(B) the chief executive officer of the State public institution of higher education system, if such a position exists;

(C) the chief executive officer of the State higher education coordinating board;

(D) the chief State school officer;

(E) not less than 1 representative each from—

(i) the business community; and

(ii) the Armed Forces;

(F) a public elementary school teacher employed in the State; and

(G) a public secondary school teacher employed in the State.

(2) OPTIONAL MEMBERS.—The council described in subsection (a) may also include—

(A) a representative from—

(i) a private institution of higher education;

(ii) the Chamber of Commerce for the State;

(iii) a civic organization;

(iv) a civil rights organization;

(v) a community organization; or

(vi) an organization with expertise in world cultures;

(B) the State official responsible for economic development, if such a position exists; or

(C) a dean or similar representative for a school of education at an institution of higher education or a similar teacher certification or licensure program.

(c) TIMELINE.—A State receiving a grant under this section shall establish a council (or use or amend an existing council in accordance with subsection (a)(3)) not later than 60 days after the receipt of the grant.

(d) APPLICATION.—

(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate that the opinions of the larger education, business, and military community, including parents, students, teachers, teacher educators, principals, school administrators, and business leaders, will be represented during the determination of the State academic content standards and student academic achievement standards, assessment specifications, assessment questions, and the development of curricula, if applicable;

(B) include a comprehensive plan to provide high-quality professional development for teachers, paraprofessionals, principals, and school administrators;

(C) explain how the State will provide assistance to local educational agencies in implementing rigorous State standards through substantive curricula, including scientifically based remediation and acceleration opportunities for students; and

(D) explain how the State and the council will leverage additional State, local, and other funds to pursue curricular alignment and student success.

(e) USE OF FUNDS.—

(1) REQUIRED ACTIVITIES.—A State receiving a grant under this section shall use the grant funds to establish a council that shall carry out the following:

(A) Design and implement an integrated prekindergarten through grade 16 longitudinal data system for the State, if such system does not exist, that will allow the State to track the progress of students from prekindergarten, through grade 12, and into higher education, the 21st century workforce, and the Armed Forces. The data system shall—

(i) include—

(I) a unique statewide student identifier for each student;

(II) student-level enrollment, demographic, and program participation information, including race or ethnicity, gender, and income status;

(III) the ability to match individual students' test records from year to year to measure academic growth;

(IV) information on untested students;

(V) a teacher identifier system with the ability to match teachers to students;

(VI) student-level transcript information, including information on courses completed and grades earned;

(VII) student-level college preparedness examination scores;

(VIII) student-level graduation and dropout data;

(IX) the ability to match student records between the prekindergarten through grade 12 and the postsecondary systems;

(X) a State data audit system assessing data quality, validity, and reliability;

(XI) rates of student attendance at institutions of higher education;

(XII) rates of student enrollment and retention in the Armed Forces; and

(XIII) student nonmilitary postsecondary employment information;

(ii) to the extent possible, coordinate with other relevant State databases, such as criminal justice or social services data systems;

(iii) allow the State to analyze correlations between course-taking patterns in prekindergarten through grade 12 and outcomes after secondary school graduation, including—

(I) entry into higher education;

(II) the need for, and cost of, remediation in higher education;

(III) graduation from higher education;

(IV) entry into the 21st century workforce;

(V) entry into the Armed Forces; and

(VI) to the extent possible through linkages with appropriate databases on service in the Armed Forces and participation in the 21st century workforce, persistence in the Armed Forces and continued participation in the 21st century workforce; and

(iv) ensure that the use of any available data does not allow for the public identification of the individual student's personally identifiable information, and that all data shall be collected and maintained in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g; commonly referred to as the Family Educational Rights and Privacy Act of 1974).

(B) If an integrated prekindergarten through grade 16 longitudinal data system exists or is currently being built, ensure that it complies with the requirements described in subparagraph (A).

(C) Develop and implement a plan to increase the rigor of standards or assessments in reading, mathematics, or science in order to better align such standards or assessments with national benchmarks reflected in the National Assessment of Educational Progress in grades 4 and 8 (in accordance with the results of the alignment analysis conducted under section 304 of the National Assessment of Educational Progress Authorization Act), and in other grades to ensure the alignment of kindergarten through grade 12 standards or assessments with the revisions made in grades 4 and 8, or to align such standards or assessments with the demands of higher education, the 21st century workforce, or the Armed Forces or other national and international benchmarks identified by the council. Such plan may include—

(i) an articulation of the steps necessary—

(I) for revising the State academic content standards and student academic achievement standards, assessment specifications, and assessment questions for the identified subject; and

(II) to better align the standards and the assessment specifications and questions described in subclause (I) with—

(aa) national benchmarks as reflected in the National Assessment of Educational Progress required under section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) for the identified subject; or

(bb) the demands of higher education, the 21st century workforce, or the Armed Forces or other national or international benchmarks identified by the council;

(ii) an articulation of the steps necessary and the process the State will undertake to revise standards or assessments, or both, in the identified subject;

(iii) a description of the partners the State will work with to revise standards or assessments, or both; and

(iv) a description of the activities the State will undertake to implement the revised standards or assessments, or both, at the State educational agency level and the local educational agency level, which activities may include—

(I) preservice and in-service teacher, paraprofessional, principal, and school administrator training;

(II) statewide meetings to provide professional development opportunities for teachers and administrators;

(III) development of curricula and instructional methods and materials;

(IV) the redesign of existing assessments, or the development or purchase of new high-quality assessments, with a focus on ensuring that such assessments are rigorous, measure significant depth of knowledge, use multiple measures and formats (such as student portfolios), and are sensitive to inquiry-based, project-based, or differentiated instruction; and

(V) other activities necessary for the effective implementation of the new State standards or assessments, or both.

(D) Analyze the State's level of prekindergarten through grade 16 curricular alignment and the success of the State's education system in preparing students for higher education, the 21st century workforce, and the Armed Forces by—

(i) using the data produced by a data system described in subparagraph (A) or (B), or other information as appropriate; and

(ii) exploring a possible agreement between the State educational agency and the higher education system in the State on a common assessment or assessments that—

(I) shall follow established guidelines to guarantee reliability and validity;

(II) shall provide adequate accommodations for students who are limited English proficient and students with disabilities; and

(III) may be a placement examination, end of course examination, college, workforce, or Armed Forces preparedness examination, or admissions examination, that measures secondary students' preparedness to succeed in postsecondary, credit-bearing courses.

(E) If the State has an officially designated college preparatory curriculum at the time the State applies for a grant under this section—

(i) describe the extent to which students who completed the college preparatory curriculum are more or less successful than other students, including students who did not complete a college preparatory curriculum, in entering and graduating from a program of study at an institution of higher education or entering the 21st century workforce or the Armed Forces;

(ii) examine the extent to which the expectations of the college preparatory curriculum are aligned with the entry standards of the State's institutions of higher education, including whether such curriculum enables secondary school students to enter credit-bearing coursework in higher education without the need for remediation; and

(iii) examine the extent to which the curriculum allows graduates to attain the skills necessary to enter the 21st century workforce or the Armed Forces.

(F) If the State has not designated a college preparatory curriculum at the time the State applied for a grant under this section, or if the curriculum described in subparagraph (E) does not result in a higher number of students enrolling in and graduating from institutions of higher education or entering the 21st century workforce or the Armed Forces, or is not aligned with the entry

standards described in subparagraph (E)(ii), develop a 21st century curriculum that—

(i) may be adopted by the local educational agencies in the State for use in secondary schools;

(ii) enables secondary school students to enter credit-bearing coursework in higher education without the need for remediation;

(iii) allows graduates to attain the skills necessary to enter the 21st century workforce or the Armed Forces;

(iv) reflects the input of teachers, principals, school administrators, and college faculty; and

(v) focuses on providing rigorous core courses that reflect the State academic content standards and student academic achievement standards.

(G) Develop and make available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, to improve instruction and support mechanisms for students using a curriculum described in subparagraph (E) or (F).

(H) Develop a plan to provide remediation and additional learning opportunities for students below grade level to ensure that all students will have the opportunity to meet the curricular standards of a curriculum described in subparagraph (E) or (F).

(I) Use data gathered by the council to improve instructional methods, better tailor student support services, and serve as the basis for all school reform initiatives.

(J) Implement activities designed to ensure the enrollment of all students in rigorous coursework, which may include—

(i) specifying the courses and performance levels required for acceptance into public institutions of higher education;

(ii) collaborating with institutions of higher education or other State educational agencies to develop assessments aligned to State academic content standards and a curriculum described in subparagraph (E) or (F), which assessments may be used as measures of student achievement in secondary school as well as for entrance or placement at institutions of higher education;

(iii) creating ties between elementary schools and secondary schools, and institutions of higher education, to offer—

(I) accelerated learning opportunities, particularly with respect to mathematics, science, engineering, technology, and critical-need foreign languages to secondary school students, which may include—

(aa) granting postsecondary credit for secondary school courses;

(bb) providing early enrollment opportunities in postsecondary education for secondary students enrolled in postsecondary-level coursework;

(cc) creating dual enrollment programs;

(dd) creating satellite secondary school campuses on the campuses of institutions of higher education; and

(ee) providing opportunities for higher education faculty who are highly qualified, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), to teach credit-bearing postsecondary courses in secondary schools; and

(II) professional development activities for teachers, which may include—

(aa) mentoring opportunities; and

(bb) summer institutes;

(iv) expanding or creating higher education awareness programs for middle school and secondary school students;

(v) expanding opportunities for students to enroll in highly rigorous postsecondary preparatory courses, such as Advanced Placement and International Baccalaureate courses; and

(vi) developing a high-quality professional development curriculum to provide professional development opportunities for paraprofessionals, teachers, principals, and administrators.

(2) PLANNING AND IMPLEMENTATION.—A State receiving a grant under this section may use grant funds received for the first fiscal year to form the council and plan the activities described in paragraph (1). Grant funds received for subsequent fiscal years shall be used for the implementation of the activities described in such paragraph.

(f) REPORTS AND PUBLICATION.—

(1) REPORTS.—

(A) INITIAL REPORT.—Not later than 9 months after a State receives a grant under this section, the State shall submit a report to the Secretary that includes—

(i) an analysis of alignment and articulation across the State's systems of public education for prekindergarten through grade 16, including data that indicates the percent of students who—

(I) graduate from secondary school with a regular diploma in the standard number of years;

(II) complete a curriculum described in subparagraph (E) or (F) of subsection (e)(1);

(III) matriculate into an institution of higher education (disaggregated by 2-year and 4-year degree-granting programs);

(IV) are secondary school graduates who need remediation in reading, writing, mathematics, or science before pursuing credit-bearing post-secondary courses in English, mathematics, or science;

(V) persist in an institution of higher education into the second year; and

(VI) graduate from an institution of higher education within 150 percent of the expected time for degree completion (within 3 years for a 2-year degree program and within 6 years for a baccalaureate degree);

(ii) an analysis of the strengths and weaknesses of the State—

(I) in transitioning students from the prekindergarten through grade 12 education system into higher education, the 21st century workforce, and the Armed Forces; and

(II) in transitioning students from the prekindergarten through grade 12 education system into mathematics, science, engineering, technology, and critical-need foreign language degree programs at institutions of higher education;

(iii) an analysis of the quality and rigor of the State's curriculum described in subparagraph (E) or (F) of subsection (e)(1), and the accessibility of the curriculum to all students in prekindergarten through grade 12;

(iv) an analysis of the strengths and weaknesses of the State in recruiting, retaining, and supporting qualified teachers, including—

(I) whether the State needs to recruit additional teachers at the secondary level for specific subjects (such as mathematics, science, engineering and technology education, and critical-need foreign languages), particular schools, or local educational agencies; and

(II) recommendations on how to set and achieve goals in this pursuit; and

(v) a detailed action plan that describes how the council will accomplish the goals and tasks required by the grant under this section, including a timeline for accomplishing all activities under the grant.

(B) ANNUAL REPORTS.—Not later than 1 year following the submission of the initial report described in subparagraph (A), and annually thereafter for the duration of the grant, a State receiving a grant under this section shall prepare and submit to the Secretary a report that describes the State's progress in accomplishing the goals and tasks required by the grant, including progress on each item described in subparagraph (A). The final annual report under this subparagraph shall be submitted 1 year after the expiration of the grant.

(2) PUBLICATION.—A State submitting a report in accordance with this subsection shall publish and widely disseminate the report to the public, including posting the report on the Internet.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 4 succeeding fiscal years.

SEC. 8. COLLABORATIVE STANDARDS AND ASSESSMENTS GRANTS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State that demonstrates that it has analyzed and, where applicable, revised the State standards and assessments, through participation in a prekindergarten through grade 16 student preparedness council described in section 7 or through other State action, to ensure the standards and assessments—

(A) are aligned with the demands of the 21st century; and

(B) prepare students for entry into—

(i) credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; and

(iii) the Armed Forces

(2) ELIGIBLE CONSORTIUM.—

(A) IN GENERAL.—The term ''eligible consortium'' means a consortium of 2 or more eligible States that agrees to allow the Secretary, under subsection (e), to make available any assessment developed by the consortium under this section to a State that so requests, including a State that is not a member of the consortium.

(B) ADDITIONAL MEMBERS.—An eligible consortium may include, in addition to 2 or more eligible States, an entity with the technical expertise to carry out a grant under this section.

(b) PROGRAM AUTHORIZED.—From amounts authorized under subsection (f), the Secretary shall award grants, on a competitive basis, to eligible consortia to enable the eligible consortia to develop common standards and assessments that—

(1) are highly rigorous, internationally competitive, and aligned with the demands of higher education, the 21st century workforce, and the Armed Forces; and

(2) in the case of assessments, set rigorous performance standards comparable to rigorous national and international benchmarks.

(c) APPLICATION.—An eligible consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) REPORT.—Not later than 90 days after the end of the grant period, an eligible consortium receiving a grant under this section shall prepare and submit a report to the Secretary describing the grant activities.

(e) AVAILABILITY OF ASSESSMENTS.—The Secretary shall—

(1) make available, to a State that so requests and at no charge to the State, any rigorous, high-quality assessment developed by an eligible consortium under this section; and

(2) notify potential eligible States, at reasonable intervals, of all assessments currently under development by eligible consortia under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $75,000,000 for fiscal year 2008 and such sums as are necessary for each of the 4 succeeding fiscal years.

By Mr. MCCAIN (for himself, Mr. DEMINT, Mr. SMITH, and Mr. SUNUNU):

S. 166. A bill to restrict any State from imposing a new discriminatory tax on cell phone services; to the Committee on Finance.

Mr. MCCAIN. Mr. President, I am pleased to be joined by Senator DEMINT in introducing the Cell Phone Tax Moratorium Act of 2007. This bill would put a stop to new discriminatory taxes on cell phone services for a period of 3 years.

The average general sales tax in the U.S. today is around six percent, but the average State and local taxes and fees on cell phone service comes in at about 17 percent. Consumers are left paying a hefty portion of their monthly cell phone bill to the Government for what many believe is their most important communications device.

The National Conference of State Legislatures and the National Governors' Association have issued policy positions calling for states to eliminate excessive and discriminatory taxes on communications services. State and local governments have been working with the telecommunications industry to find a solution to these excessive taxes, but no agreement has been reached. During the three year moratorium, it is my hope that State and local governments—in cooperation with industry—will work to eliminate discriminatory taxes and fees on wireless services.

Excessive taxes dampen innovation, and are regressive, hitting the most vulnerable customers the hardest. Although more then 72 percent of all Americans own a cell phone, 26 percent said they could not live without it because it is their only communications source, according to a recent Pew Internet and Life Project report. Cell phone only owners are often those who find it difficult to afford a wired and a wireless phone. Additionally, according to the same report, 74 percent of the Americans say they have used their cell phone in an emergency and gained valuable assistance.

Some State and local governments cannot move beyond the idea that wireless services are some kind of luxury item that can be taxed at a higher rate. These services may have been a luxury item many years ago, but due to deregulation wireless services are more affordable than ever and even necessary for personal or business reasons. This is why it is perplexing that some states burden cell phone subscribers with taxes and fees that can be as high as 24 percent of a consumer's total bill.

Tax rates as high as this are generally associated with cigarettes and alcohol and known as ''sin taxes'' designed to reduce consumption. I cannot imagine it is the intention of states and localities to reduce consumption of wireless services.

Mindful of the revenue requirements of States and localities, this bill does not eliminate existing discriminatory taxes. Nor does the bill prohibit states and localities from imposing new taxes on wireless services that are not discriminatory. The bill simply puts a stop to the creation of new discriminatory taxes on cell phone services.

Last year I introduced similar legislative language during a mark-up in the Senate Commerce Committee. The amendment passed with a vote 21–1. I am hopeful that this bill will once again be supported by the Commerce Committee and that it will be approved by the full Senate. I ask my colleagues to join me in ending the discriminatory sales taxes on this very popular communications service.

By Mrs. BOXER:

S. 167. A bill to amend the Clean Air Act to require the Secretary of Energy to provide grants to eligible entities to carry out research, development, and demonstration projects of cellulosic ethanol and construct infrastructure that enables retail gas stations to dispense cellulosic ethanol for vehicle fuel to reduce the consumption of petroleum-based fuel; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I rise today to introduce the Cellulosic Ethanol Development and Implementation Act of 2007.

As a Nation, we should be striving for greater energy independence and for more environmentally friendly sources of fuel for our automobiles. Cellulosic ethanol is fuel ethanol made from glucose, a sugar derived from the cellolose in biomass. It is chemically identical to ethanol made from food crops like corn and sugar cane. Cellulosic ethanol is more difficult to make, because cellulose is a tough structural material that gives plants their strength.

However, making ethanol from cellulose lets us tap into a much larger source of sugars, and, therefore, potentially make much larger amounts of fuel ethanol, tens of billions of gallons or more. An additional benefit is that cellulosic ethanol made from biomass is likely to produce smaller amounts of greenhouse gases than corn ethanol, and far less greenhouse gases than gasoline it will replace. With continued technology improvements, it should be cheaper than gasoline. Because it is locally made, it reduces the need for oil imports.

An April 2005 study by the Department of Energy and Agriculture indicates that the country currently has a supply of biomass sufficient to displace 30 percent of the country's present petroleum use.

I am introducing this bill because I believe we should be doing more to harness our Nation's cellulosic ethanol potential. I have been a strong proponent of using alternative transportation fuels and efficiency measures to reduce oil dependence. Last Congress, we took a good first step in the development of cellulosic ethanol. The Energy Policy Act of 2005, known as EPAct 05, requires that at least one-third of the Nation's ethanol be produced from cellulose by 2013.

In addition, EPAct 05 also created a new ethanol section of the Clean Air Act (Section 212). In that section, one subsection, section 212(e), includes language I authored to establish a new cellulosic production conversion assistance grant program. That program, housed at the Department of Energy, provides financial assistance to encourage the building of new cellulosic facilities in the U.S. The program was authorized to receive $250 million in fiscal year 2006 and $400 million in fiscal year 2007.

Though Congress has taken the steps I've just described, I believe we can and should do more, and the bill I introduce today does just that.

It would add two new cellulosic ethanol programs to the Clean Air Act. The first is a new competitive grant program for cellulosic motor vehicle fuel research and demonstration projects. Funded at $1 billion over 6 years, universities, Federal and State research labs, private industry, nonprofit groups, or partnerships between any of these groups, would be able to compete for funds.

My bill would also create a new pilot program for the installation of ethanol fuel pumps at gas stations or any other needed infrastructure required to dispense ethanol fuel, such as a storage tank, for example. Funded at $1 billion over 6 years, the same entities that would participate in the research section of the bill would also be able to compete for funds under this program. Successful applicants would have to provide 20 percent of the grant in matching funds.

Finally, my bill also extends the authorization for the original cellulosic grant program that is currently authorized in EPAct 05. The authorization expires at the end of this year, and the bill I introduce today would extend it at $400 million per year thru 2010. This extension will ensure the program continues.

As Chair of the Environment and Public Works Committee, I believe that our Nation's energy policy must focus on conservation, improvements in energy efficiency, and the development of clean, renewable energy technology. I continue to support measures

to accomplish these goals, including the promotion of cellulosic ethanol. I believe this bill is an important next step in achieving these objectives. I ask content that a copy of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 167

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 ''Cellulosic Ethanol Development and Implementation Act of 2007''.

SEC. 2. CELLULOSIC ETHANOL FUEL DEVELOPMENT AND IMPLEMENTATION PROGRAM.

Section 212 of the Clean Air Act (42 U.S.C. 7546) is amended by adding at the end the following:

''(f) CELLULOSIC ETHANOL FUEL GRANT PROGRAM.—

''(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) an institution of higher education;

''(B) a National Laboratory;

''(C) a Federal research agency;

''(D) a State research agency;

''(E) a private sector entity;

''(F) a nonprofit organization; or

''(G) a consortium of 2 or more entities described in subparagraphs (A) through (F).

''(2) ESTABLISHMENT.—The Secretary shall establish a program to provide grants to eligible entities for use in carrying out research, development, and demonstration projects relating to the use of cellulosic ethanol fuel for motor vehicles.

''(3) APPLICATION.—An eligible entity that seeks to receive a grant under this subsection shall submit to the grant review committee described in paragraph (4) an application for the grant at such time, in such form, and containing such information as the grant review committee may require.

''(4) GRANT REVIEW COMMITTEE.—Applications for grants under this subsection shall be reviewed, and approved or disapproved, by a grant review committee composed of an equal number of representatives of—

''(A) the Department of Energy, to be appointed by the Secretary;

''(B) the Department of Agriculture, to be appointed by the Secretary of Agriculture;

''(C) the Environmental Protection Agency, to be appointed by the Administrator; and

''(D) experts that are not full-time employees of the Federal Government, to be appointed by the President.

''(5) PRIORITY.—In awarding grants under this subsection, the grant review committee shall give priority to eligible entitles that propose to carry out—

''(A) projects that use alternative or renewable energy sources in the production of cellulosic ethanol fuel; and

''(B) demonstration projects.

''(6) MATCHING FUNDS.—As a condition of receiving a grant under this subsection, an eligible entity shall provide matching funds in the amount of 20 percent of the total amount of the grant.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000,000 for the period of fiscal years 2007 through 2013.

''(g) INFRASTRUCTURE PILOT PROGRAM FOR CELLULOSIC ETHANOL FUEL.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to provide grants to eligible entities (as described in subsection (d)(2) or defined in subsection (f)) for use in installing infrastructure (such as pumps) that would enable retail gas stations to sell and dispense ethanol fuel.

''(2) APPLICATION.—An eligible entity that seeks to receive a grant under this subsection shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may require.

''(3) MATCHING FUNDS.—As a condition of receiving a grant under this subsection, an eligible entity shall provide matching funds in the amount of 20 percent of the total amount of the grant.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000,000 for the period of fiscal years 2007 through 2013.''.

SEC. 3. CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE.

Section 212(e) of the Clean Air Act (42 U.S.C. 7546(e)) is amended by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $400,000,000 for each of fiscal years 2007 through 2010.''.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 168. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak Region of Colorado; to the Committee on Veterans' Affairs.

Mr. ALLARD. Mr. President, I am reintroducing legislation to establish a National Veteran's Cemetery in the Pikes Peak Region of Colorado in order to meet the needs of veterans in southern Colorado. This legislation is similar to what I have introduced and supported in the past, and seeks to fill a void for many veterans and their families. Colorado's fifth Congressional District contains the third highest concentration of military retirees in the nation. Recent estimates show that there are as many as 175,000 veterans in the area, when including all of southern Colorado. This legislation will allow thousands of eligible southern Colorado military personnel, both active duty and retired as well as the many veterans living in the area, to have a chance to find their final resting place in the region so many of them have come to love and appreciate.

This legislation has been influenced by the growing military retiree and veterans populations in the Pikes Peak region as well as community leaders and local Veterans Service Organizations who have repeatedly brought this issue to my attention over the last several years. It is important to note the passion and perseverance of those that have supported a National Veterans Cemetery and have worked tirelessly on the issue. This legislation is truly citizen-generated and is a testament to the dedication of veterans in the community.

By Mr. ALLARD (for himself and Mr. LEVIN):

S. 169. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, the National Trails System Willing Seller Act will pave the way for the completion of our Nation's most outstanding national trails. The legislation will amend the National Trails System Act of 1968 to make clear that the Federal Government may purchase land to complete several national trails from willing sellers. The legislation specifically names nine trails that are spread across the nation. The Continental Divide trail, stretching from Mexico through Colorado to the Canadian border, is among the trails that await completion.

I was successful in gaining Senate passage of this legislation in the 108th Congress and am hopeful that both the House and Senate will act on the bill this year.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 171. A bill to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, I rise today along with my colleague, TOM COBURN, to proudly introduce legislation to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, OK as the ''Mickey Mantle Post Office.''

Mickey Mantle emulates the Oklahoma spirit of hard work, charity, and sportsmanship. He is a shining example of how commitment and dedication can lead to great success. I seek to name the post office in Commerce, Oklahoma, in Mickey Mantle's honor. He is still known to Commerce by the nicknames ''Commerce Comet'' or ''Commerce Kid''.

At age 4, Mickey Mantle moved with his family to Commerce where he grew up, having been born in Spavinaw, OK. By his father who was an amateur player and fervent fan, Mickey Mantle was named in honor of Mickey Cochrane, the Hall of Fame catcher from the Detroit Tigers.

Signing with the New York Yankees in 1949, Mantle made his Major League Debut in 1951. He played his entire Major League career with the Yankees. He was a twenty-time All Star and named American League MVP three times. Mantle was a part of 12 pennant winners and 7 World Championship clubs. Some of Mantle's records still hold today. He holds the record for

most World Series home runs 18, runs batted in 40, runs 42, walks 43, extra-base hits 26, and total bases 123.

Mantle announced his retirement on March 1, 1969. He actually retired on Mickey Mantle Day, June 8, 1969. In addition to the retirement of his uniform number 7, Mantle was given a plaque that would hang on the center field wall at Yankee Stadium, near the monuments to Babe Ruth, Lou Gehrig and Miller Huggins. In 1974, as soon as he was eligible, he was inducted into the Baseball Hall of Fame demonstrating his importance to baseball and community.

Sadly, Mickey Mantle's father died of cancer at the age of 39, just as his son was starting his career. Mantle said one of the great heartaches of his life was that he never told his father he loved him.

After a bout with liver cancer himself, Mickey Mantle was given a few precious extra weeks of life due to a liver transplant. The baseball great was overwhelmed by the selfless gift of a liver from a stranger; therefore, Mickey became determined to give something back at the end of his life. Thus, in 1995, the year he died, the Mickey Mantle Foundation was established to promote organ and tissue donation, and Mickey Mantle will be remembered for something more than his heroic baseball career.

I encourage my colleagues to join me in support of this legislation as we commemorate an outstanding athlete so that future generations will be as inspired by his example of sportsmanship and charity as we have been.

Mr. INHOFE (for himself and Mr. DEMINT):

S. 173. A bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts; to the Committee on Finance.

Mr. INHOFE. Mr. President, I introduce a bill to establish Medicare Health Savings Account, HSAs. This bill will make HSAs available under Medicare in lieu of Medicare Medical Savings Account, MSAs. I have long been dedicated to quality health care and believe that seniors should have the ability to make their own decisions regarding their health care, so they can receive the health care they need and deserve. As a senior myself, I appreciate how imperative it is that we seniors be provided with a wide array of choices.

My desire to see my fellow Oklahomans and all Americans receive the best possible health care is evidenced by my involvement in various health-related issues. I have always been a champion of rural health care providers. In 1997, I was one of the few Republicans to vote against the Balanced Budget Act because of its lack of support for rural hospitals. At that time, I made a commitment to not allow our rural hospitals to be closed and am pleased we finally addressed that important issue in the Medicare Modernization Act of 2003 by providing great benefits for rural health care providers as well as a voluntary prescription drug benefit to seniors. In 2003, I also co-sponsored the Health Care Access and Rural Equity Act, to protect and preserve access of Medicare beneficiaries to health care in rural regions.

In order to assist my State and other States suffering from large reduction in their Federal Medical Assistance Percentage, FMAP for Medicaid, I introduced a bill in the 109th Congress to apply a State's FMAP from fiscal year 2005 to fiscal years 2006 through 2014. The purpose of this legislation is to prevent drastic reductions in FMAP while revision of the formula itself is considered.

I am a strong advocate of medical liability reform and have consistently been an original cosponsor of the Medical Care Access Protection Act and the Healthy Mothers and Healthy Babies Access to Care Act. These bills protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. I am committed to this vital reform that would alleviate the burden placed on physicians and patients by excessive medical malpractice lawsuits.

I have also worked with officials from the Centers for Medicare and Medicaid Services, CMS to expand access to life-saving Implantable Cardiac Defibrillators and many other numerous regulations that would affect my rural State such as the 250 yard-rule for Critical Access Hospitals.

As a supporter of safety and medical research, I have co-sponsored legislation to increase the supply of pancreatic islet cells for research and a bill to take the abortion pill RU–486 off the market in the United States.

In response to the shortages of flu vaccines experienced in years past, I introduced the Flu Vaccine Incentive Act to help prevent any future shortages in flu vaccines in both the 108th and 109th Congresses. My bill removed suffocating price controls from government purchasing of the flu vaccine while encouraging more companies to enter the market. Also, my bill freed American companies to enter the flu vaccine industry by giving them an investment tax credit towards the construction of flu vaccine production facilities.

As a result of my sister's death from cancer and a treatment we learned about not accessible in the United States that might have saved her life, Senator SAM BROWNBACK and I introduced the Access, Compassion, Care and Ethics for Seriously-ill Patients Act, ACCESS, in the 109th Congress. This bill offered a three-tiered approval system for treatments showing efficacy during clinical trials, for use by the seriously ill patient population. Seriously ill patients, who have exhausted all alternatives and are seeking new treatment options, would be offered access to these treatments with the consent of their physician. I was pleased to learn that the Food and Drug Administration has announced a proposal to offer expanded access to drugs to terminally ill patients.

My resolution to designate April 8, 2006, as ''National Cushing's Syndrome Awareness Day'' was passed by unanimous consent in the 109th Congress. The intent of this resolution is to raise awareness of Cushing's Syndrome, a debilitating disorder that affects an estimated 10 to 15 people per million. It is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol.

It was brought to my attention thanks to a staffer with Celiac Disease and an Oklahoma Celiac Support Group that there is a great need to raise awareness of celiac disease; therefore, I worked to get my resolution passed by unanimous consent to designate September 13, 2006 as National Celiac Disease Awareness Day. Celiac disease is an autoimmune disorder and a malabsorption disease that affects an estimated 2.2 million Americans. Celiac disease is, essentially, intolerance to gluten, a protein found in wheat, rye, oats and barley, as well as some medicines and vitamins.

Additionally, I have consistently cosponsored yearly resolutions designating a day in October as ''National Mammography Day'' and a week in August as ''National Health Center Week'' to raise awareness regarding both these issues and have supported passage and enactment of numerous health-care-related bills, such as the Rural Health Care Capital Access Act of 2006, which extends the exemption respecting required patient days for critical access hospitals under the federal hospital mortgage insurance program.

As the Federal Government invests in improving hospitals and healthcare initiatives, I have fought hard to ensure that Oklahoma gets its fair share. Specifically, over the past 3 years, I have helped to secure $5.2 million in funding for the Oklahoma Medical Research Foundation, the Oklahoma State Department of Health planning initiative for a rural telemedicine system, the INTEGRIS Healthcare System, the University of Oklahoma Health Sciences Center, the Oklahoma Center for the Advancement of Science and Technology, St. Anthony's Heart Hospital, the Hillcrest Healthcare System, and the Morton Health Center.

As a long supporter of HSAs, I believe all people should have access to them since they provide great flexibility in the health market and allow individuals to have control over their own health care. Medicare MSAs have

existed since January 1, 1997, revised in December of 2003, but they have not worked. No insurer whatsoever has yet offered any Medicare MSA under the current law. To fix this problem, my legislation creates a new HSA program under Medicare that incorporates a high deductible health plan and an HSA account while dissolving the existing Medicare MSA.

In tandem with my efforts, the Centers for Medicare and Medicaid Service, CMS, are launching an HSA demonstration project that would test allowing health insurance companies to offer Medicare beneficiaries products similar to HSA. This activity points to the Administration's support of HSAs and desire to see all seniors receive the best possible coverage.

As the July 13, 2006 edition of The Hill, explains, ''no legislation is pending that would integrate HSAs into the Medicare program . . .'' Thus, my legislation is necessary because real Medicare HSA reform is needed in order for seniors to have true flexibility and freedom of choice in their health care.

Under my bill, beneficiaries who choose the HSA option will receive an annual amount that is equal to 95 percent of the annual Medicare Advantage, MA, capitation rate with respect to the individual's MA payment area. These funds provided through the Medicare HSA program can only be used by the beneficiary for the following purposes: as a contribution into an HSA or for payment of high deductible health plan premiums. However, the individual also has the opportunity to deposit personal funds in to the Medicare HSA.

My bill also guarantees that seniors be notified of the amount they will receive 90 days before receipt to ensure they have time to determine the best and most appropriate HSA to accommodate needs. The bill also allows the Secretary of Health and Human Services to deal with fraud appropriately and requires providers to accept payment by individuals enrolled in a Medicare HSA just as they would with an individual enrolled in traditional Medicare.

Please join me in supporting this important legislation to give our seniors more choices regarding their health care.

By Mr. INHOFE:

S. 174. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I introduce legislation requiring parental consent for intrusive physical exams administered under the Head Start program.

Young children attending Head Start programs should not be subjected to these intrusive physical exams without the prior knowledge or consent of their parents. While the Department of Health and Human Services has administered general exam guidelines to agencies, the U.S. Code is not clear about prohibiting them without parental consent. To clarify the Code, my bill will not allow any non-emergency intrusive exam by a Head Start agency without parental consent. This would not include exams such as hearing, vision or scoliosis screenings.

This issue was brought to my attention by some of my constituents from Tulsa, OK, who felt their rights were violated when their children were subjected to genital exams and blood tests without their consent. I am pleased to see that the Rutherford Institute has taken an interest in this crucial issue and are representing my constituents.

As a father and grandfather, I believe it is vital for parents to be informed about what is happening to their children in the classroom. I hope that my colleagues will join me in support of this important bill.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. ALEXANDER, Mr. ENSIGN, Mr. ENZI, Mr. MARTINEZ, Mr. THUNE, and Mr. STEVENS):

S. 180. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to permanently correct an injustice in the tax code that has harmed citizens in many States of this great Nation.

State and local governments have various alternatives for raising revenue.

Some levy income taxes, some use sales taxes, and others use a combination of the two. The citizens who pay State and local income taxes have been able to offset some of their federal income taxes by receiving a deduction for those State and local income taxes. Before 1986, taxpayers also had the ability to deduct their sales taxes.

The philosophy behind these deductions is simple: people should not have to pay taxes on their taxes. The money that people must give to one level of Government should not also be taxed by another level of Government.

Unfortunately, citizens of some States were treated differently after 1986 when the deduction for State and local sales taxes was eliminated. This discriminated against those living in States, such as my home State of Texas, with no income taxes. It is important to remember the lack of an income tax does not mean citizens in these States do not pay State taxes; revenues are simply collected differently.

It is unfair to give citizens from some States a deduction for the revenue they provide their State and local governments, while not doing the same for citizens from other States. Federal tax law should not treat people differently on the basis of State residence and differing tax collection methods, and it should not provide an incentive for States to establish income taxes over sales taxes.

This discrepancy had a significant impact on Texas. According to the Texas Comptroller, the sales tax deduction saves a family of four $310 a year, or a total of about $1 billion each year for the State's residents who itemize deductions. The ability of taxpayers to deduct their sales taxes will lead to the creation of more than 16,500 new jobs and the addition of $920 million in State economic activity.

Recognizing the inequity in the tax code, Congress reinstated the sales tax deduction in 2004 and authorized it for two years. Last year, we extended the sales tax deduction for an additional two years. As a result of our efforts, the 55 million of us in the eight States with a sales tax but no income tax are no longer discriminated against in the tax code. Unfortunately, the deduction is only in effect through 2007, and we must act to prevent the inequity from returning.

The legislation I am offering today will fix this problem for good by making the State and local sales tax deduction permanent. This will permanently end the discrimination suffered by my fellow Texans and citizens of other States who do not have the option of an income tax deduction.

This legislation is about reestablishing equity to the tax code and defending the important principle of eliminating taxes on taxes. Last year, the Senate voted 75–25 to instruct conferees to make this deduction permanent. I hope my fellow Senators will once again support this effort and pass this legislation.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. BUNNING, Mr. ENSIGN, Mr. HAGEL, Mr. MARTINEZ, Mr. VITTER, Mr. CHAMBLISS, Mr. STEVENS, and Mr. BROWNBACK):

S. 181. A bill to provide permanent tax relief from the marriage penalty; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to provide permanent tax relief from the marriage penalty—the most egregious, anti-family provision that has been in the tax code. One of my highest priorities in the United States Senate has been to relieve American taxpayers of this punitive burden.

We have made important strides to eliminate this unfair tax and provide marriage penalty relief by raising the standard deduction and enlarging the 15 percent tax bracket for married joint filers to twice that of single filers. Before these provisions were

changed, 44 million married couples, including 2.4 million Texas families, paid an average penalty of $1,480.

Enacting marriage penalty relief was a giant step for tax fairness, but it may be fleeting. Even as married couples use the money they now save to put food on the table and clothes on their children, a tax increase looms in the future. Since the 2001 tax relief bill was restricted, the marriage penalty provisions will only be in effect through 2010. In 2011, marriage will again be a taxable event and 43 percent of married couples will again pay more in taxes unless we act decisively. Given the challenges many families face in making ends meet, we must make sure we do not backtrack on this important reform.

The benefits of marriage are well established, yet, without marriage penalty relief, the tax code provides a significant disincentive for people to walk down the aisle. Marriage is a fundamental institution in our society and should not be discouraged by the IRS. Children living in a married household are far less likely to live in poverty or to suffer from child abuse. Research indicates these children are also less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

We should celebrate marriage, not penalize it. The bill I am offering would make marriage penalty relief permanent, because marriage should not be a taxable event. I call on the Senate to finish the job we started and make marriage penalty relief permanent today.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. FEINGOLD, Mr. LEAHY, Ms. SNOWE, Mr. KENNEDY, and Mr. DURBIN):

S. 182. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators HUTCHISON, FEINGOLD, LEAHY, SNOWE, KENNEDY and DURBIN in reintroducing the ''Family Abduction Prevention Act,'' a bill to help the thousands of children who are abducted by a family member each year.

We introduced this legislation last Congress, and it passed the Senate by unanimous consent, but unfortunately, the bill was never taken up by the House. This is important and needed legislation.

Family abductions are the most common form of abduction, yet they receive little attention, and law enforcement agencies too often don't treat them as the serious crimes that they are—too often dismissing the seriousness of these cases as family disputes.

The Family Abduction Prevention Act of 2007 would provide grants to States for the costs associated with family abduction prevention. Specifically, it would assist States with costs associated with the extradition of individuals suspected of committing the crime of family abduction, costs borne by State and local law enforcement agencies to investigate cases of missing children, training for local and State law enforcement agencies in responding to family abductions, outreach and media campaigns to educate parents on the dangers of family abductions, and assistance to public schools to help with costs associated with ''flagging'' school records.

Each year, over 200,000 children—78 percent of all abductions in the United States—are kidnapped by a family member, usually a non-custodial parent.

More than half of the abducting parents have a history of domestic violence, substance abuse, or a criminal record.

Unfortunately, many State and local law enforcement agencies frequently treat these abductions as personal, family disputes. Approximately 70 percent of law enforcement agencies lack written guidelines on responding to family abduction and many are not informed about the Federal laws available to help in the search and recovery of an abducted child.

Too often law enforcement assumes that a child is not in grave danger if the abductor is a family member. Unfortunately, this is not always true, and this assumption can endanger a child's life. Research has shown that the most common motive in family abduction cases is revenge against the other parent—not love for the child.

The effects of family abduction on children are often traumatic. Abducted children suffer from severe separation anxiety. To break emotional ties with the left-behind parent, some abductors will coach a child into falsely disclosing abuse by the other parent to perpetuate their control during or after the abduction. And in many cases, the child is told that the other parent is dead or did not really love them.

For example, on Takeroot.org, a website devoted to the victims of family abductions, a young lady named Kelly told the story of how her parents were going through a bitter divorce and custody battle when she was nine, and her brother was six. Her dad picked them up for a regular visit, but then just kept on driving.

Kelly says, ''If I close my eyes, I can still see my mother waving goodbye as we watched her from the rear window of our father's truck. . . . Little did we know that it would be close to a year before we would see her again.''

Days later, Kelly started asking her father why they were continuing to drive—and why they were sleeping in the truck. After a while, her father finally broke his silence and screamed at her that her mother had given him the children because she didn't love them and that they would just have to learn to deal with it.

For the next eleven months, they lived like fugitives on the run, often dirty and hungry, ''with very little money and even less love,'' according to Kelly. ''We left in the middle of the night, never saying goodbye to friends we may have made or people we met. I still see those people in my mind's eye. I miss them. . . . Mostly, I miss the child I was, the child I lost.''

The harm caused by these abductions cannot easily be put into words. In many family abduction cases, children are given new identities at an age when they are still developing a sense of who they are. In extreme cases, the child's gender is masked to further avoid detection.

Abducting parents also often deprive their children of education and much-needed medical attention to avoid the risk of being tracked via school or medical records.

As the child adapts to a fugitive's lifestyle, deception becomes an integral part of their life. The child is taught to fear those that one would normally trust, such as police, doctors, teachers and counselors. Even after recovery, the child often has a difficult time growing into adulthood.

In some cases, the abducting parent leaves the child with strangers, or locations where their health, safety, and other basic needs may be extremely compromised.

For example, in Lafayette, CA, two girls abducted by their mother ended up under the control of a convicted child molester. When Kelli Nunez absconded with her daughters, 6-year-old Anna and 4-year-old Emily, in violation of court custody orders, she drove her daughters cross-country, and then returned by plane to San Francisco, where she handed the children to someone holding a coded sign at the airport.

The person holding the sign belonged to a helpful-sounding organization called the California Family Law Center—but the organization was actually led by Florencio Maning, a convicted child molester. For six months, Maning orchestrated the concealment of the Nunez girls with help from other people.

Luckily, police were able to track down the girls, and they were successfully reunited with their father. That success may have been due to the fact that California has been the Nation's leader in fighting family abduction.

In my State, we have a system that places the responsibility for the investigation and resolution of family abduction cases with the County District

Attorney's Office. Each California County District Attorney's Office has an investigative unit that is focused on family abduction cases. These investigators only handle family abduction cases and become experts in the process.

However, most States lack the training and resources to effectively recover children who are kidnapped by a family member. According to a study conducted by Plass, Finkelhor and Hotaling, 62 percent of parents surveyed said they were ''somewhat'' or ''very'' dissatisfied with police handling of their family abduction cases.

The ''Family Abduction Prevention Act of 2007'' would be an important first step in addressing this serious issue.

I urge my colleagues to pass this important legislation, just as you did in the 109th Congress.

By Mr. STEVENS:

S. 183. A bill to require the establishment of a corporate average fuel economy standard for passenger automobiles of 40 miles per gallon 2017, and for other purpose; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, the bill that I introduce today features language that would remove the legal ambiguity that for years has inhibited the Secretary of Transportation from raising fuel economy standards for passenger cars, and the measure would mandate that a fuel economy standard for passenger cars be set at 40 miles per gallon by model year 2017. By providing authority to increase standards for passenger cars, and requiring a specific fuel economy standard target, this bill would provide consumers with fuel savings at the pump, limit the Nation's dependence on foreign oil, and significantly reduce greenhouse gas emissions.

The bill would remove from the current Corporate Average Fuel Economy (CAFE) statute the requirement that the Secretary of Transportation submit to Congress any proposal to increase or decrease fuel economy standards. This requirement has been deemed unconstitutional by the U.S. Supreme Court. This legal hurdle, coupled with years of Federal funding legislation precluding the Secretary from reviewing CAFE, has prevented increases in fuel economy in the domestic passenger vehicle fleet.

The Secretary recently completed a dramatic reform of the fuel economy standards for the light-truck fleet, and he might have made similar reforms to the passenger fleet but for the statutory ambiguity of the current CAFE statute. I applaud the Secretary for his recent CAFE increases for light trucks, and I commend the administration for its seven light truck CAFE increases in the last six years. But the time has come for the Secretary to increase fuel economy standards for passenger cars as well.

In 2000, the National Academy of Sciences (NAS) issued a report that concluded that the benefits resulting from CAFE since its implementation in 1978 clearly warrant Government intervention to ensure fuel economy levels beyond what may result from market forces alone. The NAS panel found that CAFE has led to marked improvements in reducing greenhouse gas emissions, fuel consumption, and dependence on foreign oil.

Mr. President, the United States imports almost 11 million barrels of crude oil every day, compared with only five million produced here at home. And over two million imported barrels hail from the Persian Gulf region. The terrorist attacks waged on this country on September 11, 2001, and the ongoing turmoil in the Middle East has brought into focus the need to reduce our dependence on all foreign oil. The savings achieved by increasing fuel economy standards for the entire U.S. passenger vehicle fleet is essential if we are to increase our energy independence and national security.

This bill also would require the Secretary of Commerce to create a national registry system that, for the first time, would enable the automobile industry to trade fuel economy credits with other industries that generate greenhouse gas emissions. Participation in the registry would be voluntary, and any entity conducting business in the United States would be eligible to utilize the services of the registry. Therefore, automobile manufacturers would be able to contribute or purchase emissions credits with other industries that generate greenhouse gases in order to achieve compliance with CAFE and emissions standards.

Mr. President, any change to fuel economy standards requires the careful balance of many factors, including national security, consumer preference, domestic employment, as well as the need for powerful and durable vehicles in rural America, including my home State of Alaska. The amendment would provide the Secretary the authority to balance these considerations, and to make the appropriate and necessary fuel economy increases. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 183

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 ''Improved Passenger Automobile Fuel Economy Act of 2007''.

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

TITLE I—40 MPG STANDARD BY 2017

SEC. 101. CAFE STANDARDS FOR PASSENGER AUTOMOBILES.

(a) AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—Section 32902 of title 49, United States Code, is amended—

(1) by striking subsections (b) and (c) and inserting the following:

''(b) PASSENGER AUTOMOBILES.—

''(1) IN GENERAL.—At least 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for passenger automobiles manufactured by a manufacturer in that model year. Each standard shall be the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year. The Secretary may prescribe separate standards for different classes of passenger automobiles.

''(2) MINIMUM STANDARD.—Except as provided in paragraph (3), in prescribing a standard under paragraph (1), the Secretary shall ensure that no manufacturer's standard for a particular model year is less than the greater of—

''(A) the standard in effect on the date of enactment of the Improved Passenger Automobile Fuel Economy Act of 2007; or

''(B) a standard established in accordance with the requirement of section 104(c)(2) of that Act.

''(3) 40 MILES PER GALLON STANDARD FOR MODEL YEAR 2017.—The Secretary shall prescribe an average fuel economy standard for passenger automobiles manufactured by a manufacturer in model year 2017 of 40 miles per gallon. If the Secretary determines that more than 1 manufacturer is not reasonably expected to achieve that standard, the Secretary shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce of that determination.

''(c) FLEXIBILITY OF AUTHORITY.—

''(1) IN GENERAL.—The authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles under this section includes the authority to prescribe standards based on one or more vehicle attributes that relate to fuel economy, and to express the standards in the form of a mathematical function. The Secretary may issue a regulation prescribing standards for one or more model years.

''(2) REQUIRED LEAD-TIME.—When the Secretary prescribes an amendment to a standard under this section that makes an average fuel economy standard more stringent, the Secretary shall prescribe the amendment at least 18 months before the beginning of the model year to which the amendment applies.

''(3) NO ACROSS-THE-BOARD INCREASES.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of

automobile classes or categories already achieved in a model year by a manufacturer.'';

(2) by inserting ''motor vehicle safety, emissions,'' in subsection (f) after ''economy,'';

(3) by striking ''energy.'' in subsection (f) and inserting ''energy and reduce its dependence on oil for transportation.'';

(4) by striking subsection (j) and inserting the following:

''(j) NOTICE OF FINAL RULE.—Before taking final action on a standard or an exemption from a standard under this section, the Secretary of Transportation shall notify the Secretary of Energy and the Administrator of the Environmental Protection Agency and provide them a reasonable time to comment on the standard or exemption.''; and

(5) by adding at the end thereof the following:

''(k) COSTS–BENEFITS.—The Secretary of Transportation may not prescribe an average fuel economy standard under this section that imposes marginal costs that exceed marginal benefits, as determined at the time any change in the standard is promulgated.''.

(b) EXEMPTION CRITERIA.—The first sentence of section 32904(b)(6)(B) of title 49, United States Code, is amended—

(1) by striking ''exemption would result in reduced'' and inserting ''manufacturer requesting the exemption will transfer'';

(2) by striking ''in the United States'' and inserting ''from the United States''; and

(3) by inserting ''because of the grant of the exemption'' after ''manufacturing''.

(c) CONFORMING AMENDMENTS.—

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

(A) by striking ''or (c)'' in subsection (d)(1);

(B) by striking ''(c),'' in subsection (e)(2);

(C) by striking ''subsection (a) or (d)'' each place it appears in subsection (g)(1) and inserting ''subsection (a), (b), or (d)'';

(D) by striking ''(1) The'' in subsection (g)(1) and inserting ''The'';

(E) by striking subsection (g)(2); and

(F) by striking ''(c),'' in subsection (h) and inserting ''(b),''.

(2) Section 32903 of such title is amended by striking ''section 32902(b)–(d)'' each place it appears and inserting ''subsection (b) or (d) of section 32902''.

(3) Section 32904(a)(1)(B) of such title is amended by striking ''section 32902(b)–(d)'' and inserting ''subsection (b) or (d) of section 32902''.

(4) The first sentence of section 32909(b) of such title is amended to read ''The petition must be filed not later than 59 days after the regulation is prescribed.''.

(5) Section 32917(b)(1)(B) of such title is amended by striking ''or (c)''.

SEC. 102. FUEL ECONOMY STANDARD CREDITS.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended by striking the second sentence of subsection (a) and inserting ''The credits—

''(1) may be applied to any of the 3 model years immediately following the model year for which the credits are earned; or

''(2) transferred to the registry established under section 201 of the Improved Passenger Automobile Fuel Economy Act of 2007.''.

(b) GREENHOUSE GAS CREDITS APPLIED TO CAFE STANDARDS.—Section 32903 of title 49, United States Code, is amended by adding at the end the following:

''(g) GREENHOUSE GAS CREDITS.—

''(1) IN GENERAL.—A manufacturer may apply credits purchased through the registry established by section 201 of the Improved Passenger Automobile Fuel Economy Act of 2007 toward any model year after model year 2010 under subsection (d), subsection (e), or both.

''(2) LIMITATION.—A manufacturer may not use credits purchased through the registry to offset more than 10 percent of the fuel economy standard applicable to any model year.''.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this title and chapter 329 of title 49, United States Code, as amended by this title.

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made by this title, take effect on the date of enactment of this Act.

(b) TRANSITION FOR PASSENGER AUTOMOBILE STANDARD.—Notwithstanding subsection (a), and except as provided in subsection (c)(2), until the effective date of a standard for passenger automobiles that is issued under the authority of section 32902(b) of title 49, United States Code, as amended by this Act, the standard or standards in place for passenger automobiles under the authority of section 32902 of that title, as that section was in effect on the day before the date of enactment of this Act, shall remain in effect.

(c) RULEMAKING.—

(1) INITIATION OF RULEMAKING UNDER AMENDED LAW.—Within 60 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking for passenger automobiles under section 32902(b) of title 49, United States Code, as amended by this Act.

(2) AMENDMENT OF EXISTING STANDARD.—Until the Secretary issues a final rule pursuant to the rulemaking initiated in accordance with paragraph (1), the Secretary shall amend the average fuel economy standard prescribed pursuant to section 32092(b) of title 49, United States Code, with respect to passenger automobiles in model years to which the standard adopted by such final rule does not apply.

TITLE II—MARKET-BASED INITIATIVES FOR GREENHOUSE GAS REDUCTION

SEC. 201. MARKET-BASED INITIATIVES.

(a) ESTABLISHMENT OF REGISTRY FOR VOLUNTARY TRADING SYSTEMS.—The Secretary of Commerce shall establish a national registry system for greenhouse gas trading among industry under which emission reductions from the applicable baseline are assigned unique identifying numerical codes by the registry. Participation in the registry is voluntary. Any entity conducting business in the United States may register its emission results, including emissions generated outside of the United States, on an entity-wide basis with the registry, and may utilize the services of the registry.

(b) PURPOSES.—The purposes of the national registry are—

(1) to encourage voluntary actions to reduce greenhouse gas emissions and increase energy efficiency, including increasing the fuel economy of passenger automobiles and light trucks and reducing the reliance by United States markets on petroleum produced outside the United States used to provide vehicular fuel;

(2) to enable participating entities to record voluntary greenhouse gas emissions reductions; in a consistent format that is supported by third party verification;

(3) to encourage participants involved in existing partnerships to be able to trade emissions reductions among partnerships;

(4) to further recognize, publicize, and promote registrants making voluntary and mandatory reductions;

(5) to recruit more participants in the program; and

(6) to help various entities in the nation establish emissions baselines.

(c) FUNCTIONS.—The national registry shall carry out the following functions:

(1) REFERRALS.—Provide referrals to approved providers for advice on—

(A) designing programs to establish emissions baselines and to monitor and track greenhouse gas emissions; and

(B) establishing emissions reduction goals based on international best practices for specific industries and economic sectors.

(2) UNIFORM REPORTING FORMAT.—Adopt a uniform format for reporting emissions baselines and reductions established through—

(A) the Director of the National Institute of Standards and Technology for greenhouse gas baselines and reductions generally; and

(B) the Secretary of Transportation for credits under section 32903 of title 49, United States Code.

(3) RECORD MAINTENANCE.—Maintain a record of all emission baselines and reductions verified by qualified independent auditors.

(4) ENCOURAGE PARTICIPATION.—Encourage organizations from various sectors to monitor emissions, establish baselines and reduction targets, and implement efficiency improvement and renewable energy programs to achieve those targets.

(5) PUBLIC AWARENESS.—Recognize, publicize, and promote participants that—

(A) commit to monitor their emissions and set reduction targets;

(B) establish emission baselines; and

(C) report on the amount of progress made on their annual emissions.

(d) TRANSFER OF REDUCTIONS.—The registry shall—

(1) allow for the transfer of ownership of any reductions realized in accordance with the program; and

(2) require that the registry be notified of any such transfer within 30 days after the transfer is effected.

(e) FUTURE CONSIDERATIONS.—Any reductions achieved under this program shall be credited against any future mandatory greenhouse gas reductions required by the government. Final approval of the amount and value of credits shall be determined by the agency responsible for the implementation of the mandatory greenhouse gas emission reduction program, except that credits under section 32903 of title 49, United States Code, shall be determined by the Secretary of Transportation. The Secretary of Commerce shall by rule establish an appeals process, that may incorporate an arbitration option, for resolving any dispute arising out of such a determination made by that agency.

(f) CAFE STANDARDS CREDITS.—The Secretary of Transportation shall work with the Secretary of Commerce and the implementing panel established by section 202 to determine the equivalency of credits earned under section 32903 of title 49, United States Code, for inclusion in the registry. The Secretary shall by rule establish an appeals process, that may incorporate an arbitration option, for resolving any dispute arising out of such a determination.

SEC. 202. IMPLEMENTING PANEL.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an implementing panel.

(b) COMPOSITION.—The panel shall consist of—

(1) the Secretary of Commerce or the Secretary's designee, who shall serve as Chairperson;

(2) the Secretary of Transportation or the Secretary's designee; and

(3) 1 expert in the field of greenhouse gas emissions reduction, certification, or trading from each of the following agencies—

(A) the Department of Energy;

(B) the Environmental Protection Agency;

(C) the Department of Agriculture;

(D) the National Aeronautics and Space Administration;

(E) the Department of Commerce; and

(F) the Department of Transportation.

(c) EXPERTS AND CONSULTANTS.—Any member of the panel may secure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, for greenhouse gas reduction, certification, and trading experts in the private and non-profit sectors and may also utilize any grant, contract, cooperative agreement, or other arrangement authorized by law to carry out its activities under this subsection.

(d) DUTIES.—The panel shall—

(1) implement and oversee the implementation of this section;

(2) promulgate—

(A) standards for certification of registries and operation of certified registries; and

(B) standards for measurement, verification, and recording of greenhouse gas emissions and greenhouse gas emission reductions by certified registries;

(3) maintain, and make available to the public, a list of certified registries; and

(4) issue rulemakings on standards for measuring, verifying, and recording greenhouse gas emissions and greenhouse gas emission reductions proposed to the panel by certified registries, through a standard process of issuing a proposed rule, taking public comment for no less than 30 days, then finalizing regulations to implement this act, which will provide for recognizing new forms of acceptable greenhouse gas reduction certification procedures.

(e) CERTIFICATION AND OPERATION STANDARDS.—The standards promulgated by the panel shall include—

(1) standards for ensuring that certified registries do not have any conflicts of interest, including standards that prohibit a certified registry from—

(A) owning greenhouse gas emission reductions recorded in any certified registry; or

(B) receiving compensation in the form of a commission where sources receive money for the total number of tons certified;

(2) standards for authorizing certified registries to enter into agreements with for-profit persons engaged in trading of greenhouse gas emission reductions, subject to paragraph (1); and

(3) such other standards for certification of registries and operation of certified registries as the panel determines to be appropriate.

(f) MEASUREMENT, VERIFICATION, AND RECORDING STANDARDS.—The standards promulgated by the panel shall provide for, in the case of certified registries—

(1) ensuring that certified registries accurately measure, verify, and record greenhouse gas emissions and greenhouse gas emission reductions, taking into account—

(A) boundary issues such as leakage and shifted utilization; and

(B) such other factors as the panel determines to be appropriate;

(2) ensuring that—

(A) certified registries do not double-count greenhouse gas emission reductions; and

(B) if greenhouse gas emission reductions are recorded in more than 1 certified registry, such double-recording is clearly indicated;

(3) determining the ownership of greenhouse gas emission reductions and recording and tracking the transfer of greenhouse gas emission reductions among entities (such as through assignment of serial numbers to greenhouse gas emission reductions);

(4) measuring the results of the use of carbon sequestration and carbon recapture technologies;

(5) measuring greenhouse gas emission reductions resulting from improvements in—

(A) power plants;

(B) automobiles (including types of passenger automobiles and light trucks, as defined in section 32901(a)(16) and (17) respectively, produced in the same model year);

(C) carbon re-capture, storage and sequestration, including organic sequestration and manufactured emissions injection, and or storage.

(D) other sources;

(6) measuring prevented greenhouse gas emissions through the rulemaking process and based on the latest scientific data, sampling, expert analysis related to measurement and projections for prevented greenhouse gas emissions in tons including—

(A) organic soil carbon sequestration practices;

(B) forest preservation and re-forestation activities which adequately address the issues of permanence, leakage and verification; and

(7) such other measurement, verification, and recording standards as the panel determines to be appropriate.

(g) CERTIFICATION OF REGISTRIES.—Except as provided in subsection (h), a registrant that desires to be a certified registry shall submit to the panel an application that—

(1) demonstrates that the registrant meets each of the certification standards established by the panel under subsections (d) and (e); and

(2) meets such other requirements as the panel may establish.

(h) AUTOMOBILE INDUSTRY.—The Secretary of Transportation is deemed to be the certified registrant for credits earned under section 32903 of title 49, United States Code.

(i) ANNUAL REPORT.—Within 1 year after the date after the date of enactment of this Act and biennially thereafter, the panel shall report to the Congress on the status of the program established under this section. The report shall include an assessment of the level of participation in the program and amount of progress being made on emission reduction targets.

SEC. 203. DEFINITIONS.

In this title:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' includes—

(A) carbon dioxide;

(B) methane;

(C) hydro fluorocarbons;

(D) perfluorocarbons;

(E) nitrous oxide; and

(F) sulfur hexafluoride.

(2) BASELINE.—The term ''baseline'' means—

(A) the greenhouse gas emissions, determined on an entity-wide basis for the participant's most recent previous 3-year annual average of greenhouse gas emissions prior to the date of enactment of this Act; or

(B) if data is unavailable for that 3-year period, the greenhouse gas emissions as of September 30, 2004, (or as close to that date as such emission levels can reasonably be determined). In promulgating regulations under this title, the panel shall take into account greenhouse gas emission reductions or offsetting actions taken by any entity before the date on which the registry is established.

(3) CERTIFIED REGISTRY.—The term ''certified registry'' means a registry that has been certified by the panel as meeting the standards promulgated under section 202(e) and (f) and, for the automobile industry, the Secretary of Transportation.

(4) GREENHOUSE GAS EMISSIONS.—The term ''greenhouse gas emissions'' means the quantity of greenhouse gases emitted by a source during a period, measured in tons of greenhouse gases.

(5) GREENHOUSE GAS EMISSION REDUCTION.—The term ''greenhouse gas emission reduction'' means a quantity equal to the difference between—

(A) the greenhouse gas emissions of a source during a period; and

(B) the greenhouse gas emissions of the source during a baseline period of the same duration as determined by registries and entities defined as owners of emission sources.

(6) KYOTO PROTOCOL.—The term ''Kyoto protocol'' means the Kyoto Protocol to the United Nations Framework Convention on Climate Change (including the Montreal Protocol to the Convention on Substances that Deplete the Ozone Layer).

(7) PANEL.—The term ''panel'' means the implementing panel established by section 202(a).

(8) REGISTRANT.—The term ''registrant'' means a private person that operates a database recording quantified and verified greenhouse gas emissions and emissions reductions of sources owned by other entities.

(9) SOURCE.—The term ''source'' means a source of greenhouse gas emissions.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. LAUTENBERG, Ms. SNOWE, Mr. ROCKEFELLER, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. PRYOR, Mr. CARPER, Mr. BIDEN, Mr. BAUCUS, Mrs. CLINTON, and Mr. SCHUMER):

S. 184. A bill to provide improved rail and surface transportation security; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, last year we made significant improvements to the Nation's transportation security system by enacting the SAFE Port Act, which strengthened the security of our Nation's ports and maritime vessels. Yet, during the conference on this important bill, the Congress failed to seize the opportunity to enact comprehensive transportation security legislation that would have provided real homeland security for our entire transportation system. The Senate-passed version of the SAFE Port Act contained essential provisions that would have strengthened security in all of the surface modes of transportation, including passenger and freight rail, public transit, trucking, intercity bus and pipelines. But jurisdictional infighting and a lack of political will kept the leadership of the House of Representatives from agreeing to, or even attempting to consider, these provisions in conference.

Given the urgent need for surface transportation security improvements,

Cochairman STEVENS and I are introducing the Surface Transportation and Rail Security Act of 2007, or STARS Act, to once again offer the Congress an opportunity to enact a comprehensive transportation security bill. We have all seen the possible consequences of an attack on critical surface transportation systems in Madrid and London. We have all heard about possible threats and foiled plots aimed at our rail tunnels and stations here at home. The time has come for us to address these vulnerabilities and risks in a comprehensive and coordinated way that ensures that in the rush to protect one mode of transportation we don't shift vulnerability towards other, less secure, transportation modes.

The STARS Act combines the rail, truck, bus, pipeline and hazardous materials security provisions that were included in the Senate-passed SAFE Port Act into a stand-alone bill, which the Commerce Committee will soon consider. These provisions were endorsed unanimously by the Senate during consideration of the SAFE Port Act, and the House of Representatives overwhelmingly voted to instruct its conferees to include these provisions in the Conference Report—advice the House leadership declined to accept. Additionally, the rail security portion of this package has already passed the Senate twice in prior Congresses and has been endorsed by railroads and rail labor alike. This kind of support demonstrates both the necessity of these improvements and the distinct possibility that we can finally enact these provisions into law this Congress.

The legislation that we introduce today reflects the Commerce Committee's substantial expertise over the issues of transportation security. The time has come to advance these improvements, and protect the vital surface transportation assets that grant us the quality of life and economic health that we all cherish. Our legislation presents an opportunity to make immediate progress on transportation security, and it is my sincere hope that my colleagues will join me in supporting consideration and passage of this measure as soon as possible.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 184

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 ''Surface Transportation and Rail Security Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—IMPROVED RAIL SECURITY

SEC. 101. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 116 of this Act, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2008.

SEC. 102. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 101, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 116 of this Act,, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) $63,500,000 for fiscal year 2008;

(2) $30,000,000 for fiscal year 2009; and

(3) $30,000,000 for fiscal year 2010.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 103. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 116(b) of this Act, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2008;

(B) $100,000,000 for fiscal year 2009;

(C) $100,000,000 for fiscal year 2010; and

(D) $100,000,000 for fiscal year 2011.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2008;

(B) $10,000,000 for fiscal year 2009;

(C) $10,000,000 for fiscal year 2010; and

(D) $10,000,000 for fiscal year 2011.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2008;

(B) $8,000,000 for fiscal year 2009;

(C) $8,000,000 for fiscal year 2010; and

(D) $8,000,000 for fiscal year 2011.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 116(b) of this Act, there shall be made available to the Secretary of Transportation for fiscal year 2008 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 104. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 101, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 101, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section 101, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 102(b) of this Act.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 101 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 116 of this Act,, there shall be made available to the Secretary of Homeland Security to carry out this section—

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

(2) $100,000,000 for fiscal year 2009; and

(3) $100,000,000 for fiscal year 2010

Amounts made available pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term ''high hazard materials'' means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 105. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 104(g) of this Act); and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section 101.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 104(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 116 of this Act,, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $33,000,000 for fiscal year 2008;

(2) $33,000,000 for fiscal year 2009; and

(3) $33,000,000 for fiscal year 2010.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 106. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under this Act to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 107. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Surface Transportation and Rail Security Act of 2007, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

''(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

''(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

''(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

''(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

''(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

''(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

''(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

''(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

''(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action

brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(f) FUNDING.—Out of funds appropriated pursuant to section 116(b) of the Surface Transportation and Rail Security Act of 2007, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''24316. Plan to assist families of passengers involved in rail passenger accidents.''.

SEC. 108. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 109. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term ''front-line workers'' means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 110. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

''§ 20118. Whistleblower protection for rail security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

''(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

''(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

''(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

''(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this subtitle, including the burdens of proof, applies to any complaint brought under this section.

''(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

''(e) DISCLOSURE OF IDENTITY.—

''(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

''(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United

States Code, is amended by inserting after the item relating to section 20117 the following:

''20118. Whistleblower protection for rail security matters.''.

SEC. 111. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 104(g) of this Act to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term ''high-consequence target'' means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term ''catastrophic impact zone'' means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 112. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''safety'' the first place it appears, and inserting ''safety, including security,''.

SEC. 113. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Under''; and

(2) by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 114. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 115. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 105 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 104(g) of this Act) with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 116 of this Act, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

''(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

''(1) $228,000,000 for fiscal year 2008;

''(2) $183,000,000 for fiscal year 2009; and

''(3) $183,000,000 for fiscal year 2010.''.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this Act—

(1) $121,500,000 for fiscal year 2007;

(2) $118,000,000 for fiscal year 2008;

(3) $118,000,000 for fiscal year 2009; and

(4) $195,000,000 for fiscal year 2011.

TITLE II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. 201. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security vulnerabilities associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security vulnerabilities when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security vulnerabilities associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. 202. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the equipping of motor carriers transporting high hazard materials in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing truck tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of truck tracking technology to resist tampering and disabling;

(iii) the capability of truck tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 203. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the shipper, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by shippers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

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

(2) $2,000,000 for fiscal year 2009; and

(3) $2,000,000 for fiscal year 2010.

SEC. 204. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Finance, the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Homeland Security, and the House of Representatives Committe on Ways and Means, a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. 205. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor

carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and nonprofit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009; and

(3) $1,000,000 for fiscal year 2010.

SEC. 206. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road bus terminal operators for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security threat to bus passengers and the ability of the funded project to reduce, or respond to, that threat.

(d) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(e) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) OVER-THE-ROAD BUS DEFINED.—In this section, the term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a preliminary report in accordance with the requirements of this section.

(2) CONTENTS OF PRELIMINARY REPORT.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $12,000,000 for fiscal year 2008;

(2) $25,000,000 for fiscal year 2009; and

(3) $25,000,000 for fiscal year 2010.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 207. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed on August 9, 2006, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 208—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and

public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary of Homeland Security shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

SEC. 208. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

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

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

SEC. 209. TECHNICAL CORRECTIONS.

(a) HAZMAT LICENSES.—Section 5103a of title 49, United States Code, is amended—

(1) by inserting ''of Homeland Security'' after ''Secretary'' each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i) and inserting the following after subsection (g):

''(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.''.

SEC. 210. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this Act.

Mr. LAUTENBERG. Mr. President, over five years since 9/11, much of our Nation's transportation systems remain vulnerable to terror attack. There are many reasons for the lack of action by the Federal Government, but we can no longer simply look the other way. Last year, the Congress had an opportunity to make significant strides to improve the security of our freight and passenger rail systems, highways, public transit systems, trucking and intercity bus operations, and pipeline systems. The Senate passed my amendments and amendments by other Senators to the SAFE Ports Act to address the security of these important modes of transportation. In fact, the House of Representatives overwhelmingly voted to instruct its conferees to include these provisions in the final conference report of the SAFE Ports Act.

Unfortunately, House Republican leaders stripped them out of the final version of the bill behind closed doors, instead enacting a ban on internet gambling. The actions by the House Republican leaders further delayed real progress in securing our homeland from terror. I believe the Federal Government must take a leadership role in securing our country from terrorism. States cannot on their own be left responsible for securing these interstate modes of transportation.

That is why I am proud to be an author of the Surface Transportation and Rail Security Act of 2007. I have worked with my committee co-chairmen—Senator INOUYE and Senator STEVENS—to ensure this bill gets quickly considered. Its provisions are not new to anyone. They were considered, and agreed to, merely four months ago by the Senate. I am hopeful that they will again be quickly considered and adopted.

This bill specifically requires accountability from the Department of Homeland Security, by ensuring that our rail systems have been analyzed for security risk. It authorizes necessary funding for making these security improvements and specifically includes $400 million for tunnel security improvements in the New Jersey/New York region. I will seek further Federal funding for improving security of the New Jersey/New York region's tunnels and bridges in additional legislation to be introduced this month, by working with my colleagues on the appropriate committees in the Senate.

Last month, the Bush Administration proposed certain improvements to our nation's rail systems, but these proposals fell far short of what is needed to secure our country. For instance, the Administration proposal fails to take specific actions to improve the security of railroad stations, bridges, and tunnels. More people use Amtrak's Penn Station in New York City than use all three major New Jersey-New York region airports, Newark Liberty International, JFK, and LaGuardia airports, every day. This bill takes a much more comprehensive approach, by authorizing the funding needed to make these important security improvements.

Our Nation's freight rail systems move some 12 billion tons of cargo, but we are not doing enough to protect those systems. Some of this cargo includes hazardous chemicals and other dangerous materials which travel within feet of our schools, hospitals, neighborhoods, and snake right through the middle of our cities. The potential for disaster looms large, as the misuse of these shipments can produce an effect that a weapon of mass destruction would on our communities. Clearly much more thought needs to be put into how we move this dangerous cargo, and the Federal Government must be involved. The Bush Administration must agree with this assessment, as their proposal would strictly forbid states or communities from acting on their own to protect their residents from these risks.

I look forward to working with my colleagues to ensure that this important legislation gets considered and enacted soon. We cannot afford to delay any further these vital security improvements to our country.

Mr. SPECTER (for himself and Mr. LEAHY):

S. 185. A bill to restore habeas corpus for those detained by the United States; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I will introduce legislation denominated the

Habeas Corpus Restoration Act. Last year, in the Military Commissions Act, the constitutional right of habeas corpus was attempted to be abrogated. I fought to pass an amendment to strike that provision of the Act which was voted 51 to 48. I say ''attempted to be abrogated'' because, in my legal judgment, that provision in the Act is unconstitutional.

It is hard to see how there can be legislation to eliminate the constitutional right to habeas corpus when the Constitution is explicit that habeas corpus may not be suspended except in time of invasion or rebellion, and we do not have either of those circumstances present, as was conceded by the advocates of the legislation last year to take away the right of habeas corpus.

We have had Supreme Court decisions which have made it plain that habeas corpus is available to noncitizens and that habeas corpus applies to territory controlled by the United States, specifically, including Guantanamo. More recently, however, we had a decision in the U.S. District Court for the District of Columbia applying the habeas corpus jurisdiction stripping provision of the Military Commissions Act, but I believe we will see the appellate courts strike down this legislative provision.

The contention that the gravamen or the substance of habeas corpus is provided by the statutory review to the Circuit Court of the District of Columbia is fallacious on its face. All the statute does is allow for a review of the regularity of proceedings. In my prepared statement, I cite an example of litigation before a federal district court, where a person charged with consorting with al-Qaida asked: ''What was the name of the person? He asked: What was the name of the person I'm supposed to have consorted with? And the Presiding Officer said: I don't know, which, according to the opinion, brought uproarious laughter from the audience. Here a man is charged with consorting with al-Qaida, and they cannot even tell him the name of the person he is alleged to have consorted with.

The hearing before the Judiciary Committee, which I chaired, contained expansive, detailed evidence about the proceedings under the review provisions in Guantanamo, which are grossly, totally insufficient.

The New York Times had an extensive article on this subject, starting on the front page, last Sunday, and continuing on a full page on the back page about what is happening at Guantanamo. It is hard to see how in America, or in a jurisdiction controlled by the United States, these proceedings could substitute for even rudimentary due process of law.

As I might add, the Habeas Corpus Restoration Act was introduced in the 109th Congress. I offered the bill on behalf of myself and Senator LEAHY. Consequently, we had this bill listed in the 109th Congress as a Specter-Leahy bill, and with Senator LEAHY's consent, it is denominated as the Specter-Leahy bill again in the 110th Congress.

Mr. President, I ask unanimous consent that my prepared text be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HABEAS CORPUS RESTORATION ACT OF 2007

Mr. SPECTER. Mr. President, I seek recognition today to introduce the ''Habeas Corpus Restoration Act of 2007.'' Last September, during debate on the Military Commissions Act, I introduced an amendment to strike section 7 of the Act and thereby preserve the constitutional right of habeas corpus for the approximately 450 individuals detained at Guantanamo Bay. Because my amendment was not agreed to, by a narrow vote of 48–51, the right to the writ of habeas corpus was denied to those detainees. The privilege of the writ of habeas corpus has therefore been suspended.

On December 5, with my colleague Senator Leahy, I introduced the ''Habeas Corpus Restoration Act of 2006'' to restore the writ of habeas corpus and bring this country back into compliance with the United States Constitution. After all, the United States Constitution is unambiguous in Article 1, Section 9, Clause 2, where it states: ''The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.'' Today, along with Senator Leahy, I am reintroducing this important legislation.

The Habeas Corpus Restoration Act is very simple: It strikes the federal habeas corpus limitations imposed by the Military Commissions Act and the Detainee Treatment Act. In so doing, the bill affords aliens detained by the United States within its territorial jurisdiction, including those detained at the Guantanamo Bay Naval Base, the right to challenge their detention and military commission trial procedures by an application for writ of habeas corpus. It will ensure that the constitutional right of habeas corpus is afforded to all individuals detained by the United States government.

The Framers explicitly intended to extend habeas protections to all, absent a case of rebellion, invasion, or the interest of public safety. This principle was ratified by the Supreme Court in the case of Hamdi v. Rumsfeld, where Justice O'Connor stated ''[a]ll agree that absent suspension, the writ of habeas corpus remains available to every individual detained within the United States.''

This protection extends to those detained in Guantanamo since it is a facility exclusively under the control of the United States. In Rasul v. Bush, the Supreme Court held that habeas corpus rights apply even to aliens held at Guantanamo Bay. One does not need to be a United States citizen to be afforded basic constitutional habeas corpus rights and the U.S. Constitution draws no distinction between American citizens and aliens held in U.S. custody.

Although some argue that Combatant Status Review Tribunals, commonly referred to as ''CSRTs,'' are an adequate and effective means to challenge detention in accordance with the Supreme Court's decision in Swain v. Pressley, I couldn't disagree more. In my view, CSRTs are a sham. We have learned a great deal about the cursory review provided by these tribunals at Guantanamo Bay. They operate with very little information. Somebody is picked up on the battlefield. There is no record preserved as to what that individual did. If there was a weapon involved, it was collected and mixed in with many other weapons. There is no chain of custody or even a record of what was seized. In sum, CSRTs are nothing more than a one-sided interrogation by the military tribunal members. These proceedings simply do not comport with basic fairness because the individuals detained do not have the right to know what evidence there is against them. As Justice O'Connor wrote in her plurality opinion in the Hamdi case, ''[a]n interrogation by one's captor, however effective an intelligence-gathering tool, hardly constitutes a constitutionally adequate factfinding before a neutral decisionmaker.'' It is essential that we provide an adequate means to evaluate the legality of an individual's continued detention.

Typically, the CSRT will advise the detainee that the evidence against them is classified and restrict access. The U.S. District Court in the In re Guantanamo case criticized the manner in which the CSRT required detainees to answer allegations based on information that cannot be disclosed. In a comical scene during the hearing, a detainee advised the tribunal that he could not answer an allegation that he had associated with a known al Qaida operative because the tribunal would not provide the name of the alleged operative. Since the tribunal would not even provide the name of the operative, the detainee could not answer even the most basic of allegations. While laughter filled the courtroom at the time when the detainee could not answer this simple allegation, we should not forget the seriousness of this process and the manner in which we are treating detainees of the United States.

The Military Commission Act's habeas corpus provisions were debated at a Senate Judiciary Committee hearing held on September 25, 2006. At the hearing, I heard from a distinguished and varied panel of witnesses, including the attorney who represented Hamdan before the Supreme Court. Perhaps most compelling during the hearing was the testimony of the former U.S. Attorney for the Northern District of Illinois, Thomas Sullivan, who has been to Guantanamo on many occasions and has represented many detainees. Mr. Sullivan was especially compelling when he made reference to a number of individual cases where the proceedings before the CSRT were completely insufficient. He cited hearings where individuals were summoned before the tribunal, but did not speak the language, did not have an attorney, did not have access to the information which was presented against them, and continued to be detained. These individuals either did not know what their charges were, or those charges of which they were aware were vague and illusory. For example, in the case of Abdul Hadi al Siba'i, Mr. Sullivan described how his client had been returned to Saudi Arabia after several months of detainment and without a trial or any notice, compensation, or apology. One can only suspect that the United States government understood that the continued detainment of this particular individual was wrong and would expose weaknesses at trial.

The failure to afford habeas review rights to detainees has concerned Kenneth Starr, former Solicitor General and U.S. Court of Appeals Judge for the District of Columbia. In a letter directed to me as Judiciary Chairman, Mr. Starr expressed his concern ''about

the limitations on writ of habeas corpus contained in the comprehensive military commissions bill.''

If Justice O'Connor feels that detainees have the right to habeas review, but we are denying them this avenue of review, how are detainees supposed to rebut facts that they are not allowed to confront? This is why federal courts should be open to hear habeas petitions of these detainees. The Supreme Court is clear, and we should apply this precedent to the current situation involving detainees at Guantanamo Bay.

On the recent 5–year anniversary of 9/11, President Bush repeated his commitment to bring terrorists to justice. However, statistics tell us that most of the terrorists at Guantanamo will never see the inside of a courtroom. Hundreds will be held indefinitely. Of the over 400 detainees who remain at Guantanamo, the Pentagon says another 110 have been labeled as ''ready to release.'' But the real number we need to look at is the remaining 325 or so detainees. How many will face trial? Media reports citing Pentagon sources suggest that only approximately 70 detainees will face trial.

This leaves approximately 250 detainees—more than half of those still at Guantanamo—who will be held indefinitely simply because the United States considers them to be too dangerous or in possession of sensitive intelligence information. These detainees will have no ability to challenge their confinement. My bill will ensure these individuals held in U.S. custody will be afforded the basic constitutional right to petition for habeas corpus review.

The short history of the Military Commissions Act underscores the need for this legislation. The day after the Act became law, the Justice Department filed notices in each of the 181 Guantanamo habeas cases pending before the United States District Court for the District of Columbia, highlighting the jurisdiction-stripping and retroactivity provisions of the Act. In at least one noteworthy case, the District Court has already agreed that it now lacks authority to hear such a habeas petition.

On December 13, 2006, Judge James Robertson dismissed the habeas petition of Salim Ahmed Hamdan—of Hamdan v. Rumsfeld fame—for lack of subject matter jurisdiction. While I disagree with Judge Robertson's conclusion that Hamdan has ''no constitutional entitlement to habeas'' because he was detained in Guantanamo rather than inside the United States, this conclusion demonstrates the lack of judicial recourse available to such detainees. Of course, the Military Commissions Act is not strictly limited to those held in Guantanamo. In another case, on November 13, 2006, the Department of Justice filed a motion with the U.S. Court of Appeals for the Fourth Circuit to dismiss the habeas petition of alleged enemy combatant Ali Saleh Kahlah al-Marri. Unlike Hamdan and other Guantanamo detainees, al-Marri has been detained inside the United States. While we could simply wait for the Supreme Court to rule on the constitutionality of denying habeas rights to such detainees, I believe the United States Congress has an obligation to act now and reverse this wrong.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 185

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 ''Habeas Corpus Restoration Act of 2007''.

SEC. 2. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

The amendments made by this Act shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

Mr. LEAHY. Mr. President, on the first day of this new Congress, I join Senator SPECTER to reintroduce a bill to restore the Great Writ of habeas corpus, a cornerstone of American liberty since the founding of this Nation. The Habeas Corpus Restoration Act of 2007 bill continues our efforts to amend last year's Military Commissions Act, to right a wrong and to restore a basic protection to American law. This is an issue on which we continue to work together and urge Senators on both sides of the aisle to join with us.

As Justice Scalia wrote in the Hamdi case: ''The very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive.'' The remedy that secures that most basic of freedoms is habeas corpus. It provides a check against arbitrary detentions and constitutional violations. It guarantees an opportunity to go to court, with the aid of a lawyer, to prove one's innocence. This fundamental protection was rolled back in an unprecedented and unnecessary way in the run up to last fall's election by passage of the Military Commissions Act.

The Military Commissions Act eliminated that right, permanently, for any non-citizen determined to be an enemy combatant, or even ''awaiting'' such a determination. That includes the approximately 12 million lawful permanent residents in the United States today, people who work and pay taxes in America and are lawful residents. This new law means that any of these people can be detained, forever, without any ability to challenge their detention Federal court—or anywhere else—simply on the Government's say-so that they are awaiting determination whether they are enemy combatants.

I deeply regret that Senator SPECTER and I were unsuccessful in our efforts to stop this injustice when the President and the Republican leadership insisted on rushing the Military Commissions Act through Congress in the weeks before the recent elections. We proposed an amendment that would have removed the habeas-stripping provision from the Military Commissions Act. We fell just three votes short in those political charged days. It is my hope that the new Senate and new Congress will reconsider this matter, restore this fundamental protection and revitalize our tradition of checks and balances.

Giving Government such raw, unfettered power as this law does should concern every American. Last fall I spelled out a nightmare scenario about a hard-working legal permanent resident who makes an innocent donation to, among other charities, a Muslim charity that the Government secretly suspects might be a source of funding for critics of the United States Government. I suggested that, on the basis of this donation and perhaps a report of ''suspicious behavior'' from an overzealous neighbor, the permanent resident could be brought in for questioning, denied a lawyer, confined, and even tortured. Such a person would have no recourse in the courts for years, for decades, forever.

Many people viewed this kind of nightmare scenario as fanciful, just the rhetoric of a politician. It was not. It is all spelled out clearly in the language of the law that this body passed. In November, the scenario I spelled out was confirmed by the Department of Justice itself in a legal brief submitted in federal court in Virginia. The Justice Department, in a brief to dismiss a detainee's habeas case, said that the Military Commissions Act allows the Government to detain any non-citizen designated an enemy combatant without giving that person any ability to challenge his detention in court. This is true, the Justice Department said, even for someone arrested and imprisoned in the United States. The Washington Post wrote that the brief ''raises the possibility that any of the millions of immigrants living in the United States could be subject to indefinite detention if they are accused of ties to terrorist groups.''

In fact, the situation is even more stark than The Washington Post story suggested. The Justice Department's brief says that the Government can detain any non-citizen declared to be an enemy combatant. But the law this

Congress passed says the Government need not even make that declaration: They can hold people indefinitely who are awaiting determination whether or not they are enemy combatants.

It gets worse. Republican leaders in the Senate followed the White House's lead and greatly expanded the definition of ''enemy combatants'' in the dark of night in the final days before the bill's passage, so that enemy combatants need not be soldiers on any battlefield. They can be people who donate small amounts of money, or people that any group of decision-makers selected by the President decides to call enemy combatants. The possibilities are chilling.

The Administration has made it clear that they intend to use every expansive definition and unchecked power given to them by the new law. November's Justice Department brief made clear that any of our legal immigrants could be held indefinitely without recourse in court. Earlier in November, the Justice Department went to court to say that detainees who had been held in secret CIA prisons could not even meet with lawyers because they might tell their lawyers about the cruel interrogation techniques used against them. In other words, if our Government tortures somebody, that person loses his right to a lawyer because he might tell the lawyer about having been tortured. A law professor was quoted as saying about the Government's position in that case: ''Kafka-esque doesn't do it justice. This is 'Alice in Wonderland.' ''

We have eliminated basic legal and human rights for the 12 million lawful permanent residents who live and work among us, to say nothing of the millions of other legal immigrants and visitors who we welcome to our shores each year. We have removed a vital check that our legal system provides against the government arbitrarily detaining people for life without charge. We may well have also made many of our remaining limits against torture and cruel and inhuman treatment obsolete because they are unenforceable. We have removed the mechanism the Constitution provides to check government overreaching and lawlessness.

This is wrong. It is unconstitutional. It is un-American. It is designed to ensure that the Bush-Cheney Administration will never again be embarrassed by a United States Supreme Court decision reviewing its unlawful abuses of power. The conservative Supreme Court, with seven of its nine members appointed by Republican Presidents, has been the only check on this Administration's lawlessness. Certainly the last Congress did not do it. With passage of the Military Commissions Act, the Republican Congress completed the job of eviscerating its role as a check and balance on the Administration.

Some Senators uneasy about the Military Commissions Act's disastrous habeas provision took solace in the thought that it would be struck down by the courts. Instead, the first court to consider that provision, a federal court in the District of Columbia, upheld the provision. We should not outsource our moral, legal and constitutional responsibility to the courts. Congress must be accountable for its actions and we should act to right this wrong.

Abolishing habeas corpus for anyone who the Government thinks might have assisted enemies of the United States is unnecessary and morally wrong. It is a betrayal of the most basic values of freedom for which America stands. It makes a mockery of the administration's lofty rhetoric about exporting freedom across the globe.

We should take steps to ensure that our enemies can be brought to justice efficiently and quickly. I introduced a bill to do that back in 2002, as did Senator SPECTER, when we each proposed a set of laws to establish military commissions. The Bush-Cheney Administration rejected our efforts and designed a regime the United States Supreme Court determined to be unlawful. Establishing appropriate military commissions is not the question. We all agree to do that. What we need to revisit is the suspension of the writ of habeas corpus for millions of legal immigrants and others, denying their right to challenge indefinite detainment on the, government's say-so.

It is from strength that America should defend our values and our Constitution. It takes commitment to those values to demand accountability from the Government. In standing up for American values and security, I will keep working on this issue until we restore the checks and balances that are fundamental to preserving the liberties that define us as a nation. We can ensure our security without giving up our liberty.

By Mr. SPECTER:

S. 186. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, the legislation which I am introducing is the Attorney-Client Privilege Protection Act. This legislation was previously introduced in the 109th Congress.

In 2003, the Department of Justice adopted the provisions of the so-called Thompson Memorandum, which allowed prosecutors to request that companies under investigation waive their attorney-client privilege, and that, absent such a waiver, prosecutors may consider the company's refusal to waive privilege in the charging process. As a result, the legal and business community complained that, if the attorney-client privilege is not waived, the corporation and individuals may get a stiffer charge.

The Department of Justice has recently revised the Thompson Memorandum, with Deputy Attorney General McNulty substituting what is now known as the McNulty Memorandum. Prior to the release of the McNulty Memorandum, I had a number of discussions with Department of Justice officials, and I thank the Department of Justice for the effort which they have made, but it is not sufficient. The new memorandum is inadequate in its protection of the attorney-client privilege.

Although the McNulty Memorandum is inadequate in failing to protect attorney-client privilege, it does improve another part of the Department of Justice's prior procedure under the Thompson Memorandum, which effectively denied the payment of counsel fees so that people who were charged were unable to defend themselves without bankrupting themselves in defense. That provision of the earlier Thompson Memorandum was declared unconstitutional in a case in the Southern District of New York.

Mr. President, again, I ask unanimous consent that the full text of my statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ATTORNEY-CLIENT PRIVILEGE PROTECTION ACT OF 2006

Mr. SPECTER. Mr. President, I seek recognition today to introduce the ''Attorney-Client Privilege Protection Act of 2007,'' which remains necessary despite Deputy Attorney General Paul McNulty's issuance of a new set of corporate prosecution guidelines on December 12 of last year. Although the new McNulty memorandum, which replaces the memorandum issued by former Deputy Attorney General Larry Thompson, makes some improvements, the revision continues to erode the attorney-client relationship by allowing prosecutors to request privileged information backed by the hammer of prosecution if the request is denied.

This bill will protect the sanctity of the attorney-client relationship by prohibiting federal prosecutors and investigators from requesting waiver of attorney-client privilege and attorney work product protections in corporate investigations. The bill would similarly prohibit the government from conditioning charging decisions or any adverse treatment on an organization's payment of employee legal fees, invocation of the attorney-client privilege, or agreement to a joint defense agreement. This bill will hopefully force the Department of Justice to issue a meaningful change to its corporate charging policies beyond the changes in the McNulty Memorandum, which came ''a day late and a dollar short'' according to Frederick Krebs, the president of the Association of Corporate Counsel.

There is no need to wait to see how the McNulty memorandum will operate in practice. The flaws in that memorandum are already apparent. Moreover, before the issuance of the McNulty memorandum last month, the Thompson memorandum has

been undermining the attorney-client relationship in the corporate context for nearly 4 years. In January 2003, then-Deputy Attorney General Larry Thompson issued a memorandum to all Justice Department components throughout the United States entitled ''Principles of Federal Prosecution of Business Organizations.'' This memorandum, which was prepared on the heels of the establishment of the President's Corporate Fraud Task Force, set forth various factors for federal prosecutors to consider when deciding to prosecute corporations or other business organizations. The so-called ''Thompson memorandum'' lists a corporation's ''cooperation and voluntary disclosure'' as one of the chief factors to be considered in making a charging decision.

Just as the Thompson memorandum was issued with laudable goals in mind, the McNulty memorandum was, no doubt, the product of good intentions. Nevertheless, it continues to threaten the viability of the attorney-client privilege in business organizations by allowing prosecutors to request privilege waiver upon a finding of ''legitimate need''—a standard that should guide the most basic of prosecutorial requests, not sensitive requests for privileged information.

Just as the standard is inadequate, so is the level of internal review. Although the McNulty memorandum establishes some internal review for such waiver requests, it does so in a way that diminishes the importance of a corporate client's ability to communicate with its lawyers. The memo creates two different categories of privileged information and provides very little protection to client communications to the attorney while providing significant protection and DOJ internal review for attorney communications to the client. The memo identifies the two subcategories of privileged information as: (1) ''purely factual information,'' which consists of witness statements, interview memoranda, factual chronologies and summaries, and reports containing investigative facts documented by counsel; and (2) attorney advice to the client, including attorney notes, memoranda, and notes.

The first category of information, formally labeled Category 1 information by DOJ, may be requested with approval at the U.S. Attorney-level with consultation with the Assistant Attorney General for the Criminal Division. The consultation requirement is not defined in any way in the memo. By failing to define what it means ''to consult'' with the Assistant Attorney General, the McNulty memo fails to say whether the Assistant Attorney General can overrule the U.S. Attorney's decision. Unless there is a meaningful review of the U.S. Attorney's decision, it is difficult to see how the McNulty memo provides better safeguards for Category 1 information than the interim-McCallum memo, issued in October 2005, which mandated a U.S. Attorney-level ''written waiver review process'' for all attorney client privilege waiver requests.

As noted above, the new McNulty memo does provide greater protections for attorney advice and communication to the client, which the memo labels ''Category 2'' information. The McNulty memo protects Category 2 information in the first instance by making clear that it may be sought only if the prosecutor thinks Category 1 information provides an incomplete basis for the investigation. If such a request is deemed necessary, the request for Category 2 information must be approved by the Deputy Attorney General.

Although the McNulty memo provides greater protection for Category 2 information, the memo does not explain why such information will ever be needed by prosecutors outside of attorney advice in furtherance of a crime or fraud or where the advice is subject to an advice of counsel defense, both of which are expressly exempted from the waiver request process outlined in the memorandum. Thus, the only two types of attorney advice that are likely to be relevant in a criminal investigation are exempted from the memo's coverage. With that exception, I fail to see why Category 2 information is needed at all. Prosecutors do not need to know what attorneys are advising their clients unless the advice is in furtherance of a crime or the client puts the advice in issue by raising it as a defense.

No less than the Thompson memo, the new McNulty memo discourages corporate employees from having frank conversations with lawyers, which makes it difficult for companies who desire to prevent possible corruption from making appropriate remedies. The Department of Justice will not prevent corporate misconduct if it continues to inadvertently discourage the types of internal investigations and dialogues corporate officials need to detect and prevent corporate fraud.

In the next rewrite of its corporate prosecution guidelines, the Administration needs to look in the mirror. If the President refused to disclose documents or information after invoking a claim of executive privilege, it would not consider itself to be ''uncooperative.'' Rather, the executive would simply be doing its job in representing a client. Yet, when the tables are turned, the Justice Department has memorialized a policy instructing its prosecutors to discourage attorneys from doing their job effectively.

The right to counsel is too important to be passed over for prosecutorial convenience. It has been engrained in American jurisprudence since the 18th century when the Bill of Rights was adopted. The 6th Amendment is a fundamental right afforded to individuals charged with a crime and guarantees proper representation by counsel throughout a prosecution. However, the right to counsel is largely ineffective unless the confidential communications made by a client to his or her lawyer are protected by law. As the Supreme Court observed in Upjohn Co. v. United States, ''the attorney-client privilege is the oldest of the privileges for confidential communications known to the common law.'' When the Upjohn Court affirmed that attorney-client privilege protections apply to corporate internal legal dialogue, the Court manifested in the law the importance of the attorney-client privilege in encouraging full and frank communication between attorneys and their clients, as well as the broader public interests the privilege serves in fostering the observance of law and the administration of justice. The Upjohn Court also made clear that value of legal advice and advocacy depends on the lawyer having been fully informed by the client.

As a former prosecutor, I am acutely aware of the enormous power and tools a prosecutor has at his or her disposal. As former Supreme Court Justice and then Attorney-General Robert Jackson stated in his 1940 speech to U.S. Attorneys, ''The prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous. He can have citizens investigated and, if he is that kind of person, he can have this done to the tune of public statements and veiled or unveiled intimations.'' Thus, the federal prosecutor has enough power without the coercive tools of the privilege waiver, whether that waiver policy is embodied in the Holder, Thompson, McCallum, or McNulty memorandum. I see no need to have the Justice Department publicly express a policy that encourages waiver of attorney-client privilege, especially where the policy is backed by the heavy hammer of possible criminal charges. Cases should be prosecuted based on their merits, not based on how well an organization works with the prosecutor. As Justice Jackson warned in the same speech, ''the most dangerous power of the prosecutor [is] that he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted.''

Just as the Holder and Thompson memoranda before it, the McNulty memorandum embodies bad public policy by empowering federal prosecutors at the expense of the attorney-client relationship. Consequently, I echo the comments of the following organizations and individuals who have criticized the McNulty memorandum:

''The Justice Department's new corporate charging guidelines for federal prosecutors fall far short of what is needed to prevent further erosion of fundamental attorney-client privilege, work product, and employee protections during government investigations.''—Karen Mathis, ABA President.

''While containing some improvements, this new policy does not adequately protect the right to attorney-client privilege, and unwisely ignores many of the recommendations of former senior Justice Department officials, the American Bar Association, and a massive coalition of some of the nation's most prominent business, legal, and civil rights groups.''—Stanton Anderson, U.S. Chamber of Commerce.

''The McNulty Memorandum still falls short of protecting the attorney-client privilege, and the related work product doctrine, which derives from it.''—Martin Pinales, President, National Association of Criminal Defense Lawyers.

''[T]his memo is a day late and a dollar short. Asking prosecutors to get permission before formally requesting that companies waive their attorney-client privilege will not put an end to the 'culture of waiver' that exists within DOJ. Our research shows that more often than not, requests for waiver are not asked for outright, but are coercively inferred.''—Frederick Krebs, President, Association of Corporate Counsel.

''Deputy Attorney General Paul McNulty's memorandum is a disappointment. It perpetuates the dynamic that compels companies to ''voluntarily'' waive their rights in order to get favorable treatment or to avoid the death penalty of a federal indictment.''—Caroline Fredrickson, Director, ACLU Washington legislative office; George Landrith, President, Frontiers of Freedom; Stephanie A. Martz, Director, White Collar Crime Project, National Association of Criminal Defense Lawyers; Daniel J. Popeo, Chairman, Washington Legal Foundation, in a letter to the editor of USA Today.

My bill amends title 18 of the United States Code by adding a new section, §3014, that would prohibit any agent or attorney of the United States government in any criminal or civil case to demand, request or condition treatment on the disclosure of any communication protected by the attorney-client privilege or attorney work product. The bill would also prohibit government lawyers and agents from conditioning any charge or adverse treatment on whether an organization pays attorneys' fees for its employees or signs a joint defense agreement.

While I am glad that the Justice Department revised the Thompson memorandum, I am hopeful that the Department will act again to reform the McNulty memorandum. In the absence of such action, this legislation is needed to ensure that basic protections of the attorney-client relationship are preserved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 186

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 ''Attorney-Client Privilege Protection Act of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Justice is served when all parties to litigation are represented by experienced diligent counsel.

(2) Protecting attorney-client privileged communications from compelled disclosure fosters voluntary compliance with the law.

(3) To serve the purpose of the attorney-client privilege, attorneys and clients must have a degree of confidence that they will not be required to disclose privileged communications.

(4) The ability of an organization to have effective compliance programs and to conduct comprehensive internal investigations is enhanced when there is clarity and consistency regarding the attorney-client privilege.

(5) Prosecutors, investigators, enforcement officials, and other officers or employees of Government agencies have been able to, and can continue to, conduct their work while respecting attorney-client and work product protections and the rights of individuals, including seeking and discovering facts crucial to the investigation and prosecution of organizations.

(6) Despite the existence of these legitimate tools, the Department of Justice and other agencies have increasingly employed tactics that undermine the adversarial system of justice, such as encouraging organizations to waive attorney-client privilege and work product protections to avoid indictment or other sanctions.

(7) An indictment can have devastating consequences on an organization, potentially eliminating the ability of the organization to survive post-indictment or to dispute the charges against it at trial.

(8) Waiver demands and other tactics of Government agencies are encroaching on the constitutional rights and other legal protections of employees.

(9) The attorney-client privilege, work product doctrine, and payment of counsel fees shall not be used as devices to conceal wrongdoing or to cloak advice on evading the law.

(b) PURPOSE.—It is the purpose of this Act to place on each agency clear and practical limits designed to preserve the attorney-client privilege and work product protections available to an organization and preserve the constitutional rights and other legal protections available to employees of such an organization.

SEC. 3. DISCLOSURE OF ATTORNEY-CLIENT PRIVILEGE OR ADVANCEMENT OF COUNSEL FEES AS ELEMENTS OF COOPERATION.

(a) IN GENERAL.—Chapter 201 of title 18, United States Code, is amended by inserting after section 3013 the following:

''§ 3014. Preservation of fundamental legal protections and rights in the context of investigations and enforcement matters regarding organizations

''(a) DEFINITIONS.—In this section:

''(1) ATTORNEY-CLIENT PRIVILEGE.—The term 'attorney-client privilege' means the attorney-client privilege as governed by the principles of the common law, as they may be interpreted by the courts of the United States in the light of reason and experience, and the principles of article V of the Federal Rules of Evidence.

''(2) ATTORNEY WORK PRODUCT.—The term 'attorney work product' means materials prepared by or at the direction of an attorney in anticipation of litigation, particularly any such materials that contain a mental impression, conclusion, opinion, or legal theory of that attorney.

''(b) IN GENERAL.—In any Federal investigation or criminal or civil enforcement matter, an agent or attorney of the United States shall not—

''(1) demand, request, or condition treatment on the disclosure by an organization, or person affiliated with that organization, of any communication protected by the attorney-client privilege or any attorney work product;

''(2) condition a civil or criminal charging decision relating to a organization, or person affiliated with that organization, on, or use as a factor in determining whether an organization, or person affiliated with that organization, is cooperating with the Government—

''(A) any valid assertion of the attorney-client privilege or privilege for attorney work product;

''(B) the provision of counsel to, or contribution to the legal defense fees or expenses of, an employee of that organization;

''(C) the entry into a joint defense, information sharing, or common interest agreement with an employee of that organization if the organization determines it has a common interest in defending against the investigation or enforcement matter;

''(D) the sharing of information relevant to the investigation or enforcement matter with an employee of that organization; or

''(E) a failure to terminate the employment of or otherwise sanction any employee of that organization because of the decision by that employee to exercise the constitutional rights or other legal protections of that employee in response to a Government request; or

''(3) demand or request that an organization, or person affiliated with that organization, not take any action described in paragraph (2).

''(c) INAPPLICABILITY.—Nothing in this Act shall prohibit an agent or attorney of the United States from requesting or seeking any communication or material that such agent or attorney reasonably believes is not entitled to protection under the attorney-client privilege or attorney work product doctrine.

''(d) VOLUNTARY DISCLOSURES.—Nothing in this Act is intended to prohibit an organization from making, or an agent or attorney of the United States from accepting, a voluntary and unsolicited offer to share the internal investigation materials of such organization.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 18, United States Code, is amended by adding at the end the following:

''3014. Preservation of fundamental legal protections and rights in the context of investigations and enforcement matters regarding organizations.''.

By Mr. SPECTER:

S. 187. A bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I am reintroducing the text of S. 4051, which I originally introduced on November 14 of last year. And the title articulates it in a succinct way, so I will read that. It is: a bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued warrants for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and to ensure review of the Terrorist Surveillance Program by the United States Supreme Court.

I made a number of efforts in the 109th Congress to subject the President's surveillance program to judicial review in accordance with the existing law that a search-and-seizure warrant or a wiretap ought not to be issued without a judge making a finding of probable cause and authorizing that kind of a search and seizure or that kind of a wiretap.

Without going into the entire history, that bill was refined to the point where it is articulated in S. 4051 of the 109th Congress, which would provide for individualized warrants for calls originating in the United States and going out. That can be accomplished, according to the CIA, if there are additional resources, which this bill provides, and if the time for retroactive approval is extended from 3 days to 7 days.

With respect to calls originating outside the United States and coming in, we are advised there are simply too many of those to cover, so that on those calls the bill would expedite the judicial review which is currently in process.

A Federal court in Detroit has declared the President's program unconstitutional, and it is now pending in

the Sixth Circuit. This bill would mandate review by the Supreme Court of the United States and would put review in the Federal courts on an accelerated timetable.

There are objections to proceeding with legislation along this line because of an interest in having hearings. Well, we have had a whole series of hearings, and the administration has refused to tell the Judiciary Committee the details of the program. Under our division of authority, it is the Intelligence Committee which has jurisdiction over this kind of a program.

But, we could proceed with hearings and still enact legislation which would provide constitutional protection for calls originating in the United States, which is the more serious category. Citizens here, people here in the United States, would have individual warrants and a judicial determination of probable cause before the surveillance and the wiretaps were put into effect.

Meanwhile, the program goes on. It has been going on since late 2001. It has been known to the public since December 16, 2005. And each day that passes, there are more taps, there are more searches and seizures, there is more surveillance, which may not comport with constitutional provisions.

There may be the motivation to show that the President has broken the law. And there is no doubt that the surveillance program does violate the Foreign Intelligence Surveillance Act of 1978. But the President contends that he has inherent article II power as Commander in Chief which supersedes the statute. And he may be right about that. But only a court can determine. And under the existing standards, the court must make a determination of the nature of the invasion of privacy contrasted with the importance for the public welfare of providing security. That is a judicial function.

It seems to me that where you have an avenue to have probable cause established in the traditional way on calls going out of the United States, we ought to utilize it. We ought not to have that program continue in effect without having that kind of constitutional procedure.

And then, as to calls originating outside of the United States, if the President is right, that can be determined by the courts. Let that proceed in that manner. And, the justification for delay—that we need to show the President of the United States has violated the law—is a wholly insufficient justification to withhold legislation that would be a major improvement to this surveillance program.

We can conclude, in my view, that he has violated FISA. But to repeat—and I do not like to repeat—he may have the constitutional authority for the surveillance program, but that has to be determined by a judicial proceeding.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 187

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 ''Foreign Intelligence Surveillance Oversight and Resource Enhancement Act of 2007''.

TITLE I—ENHANCEMENT OF RESOURCES AND PERSONNEL FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

SEC. 101. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in paragraph (1), as so designated, by inserting ''at least'' before ''seven of the United States judicial circuits'';

(3) by designating the second sentence as paragraph (4) and indenting such paragraph, as so designated, accordingly; and

(4) by inserting after paragraph (1), as so designated, the following new paragraph:

''(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under Article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration under section 105 of applications under section 104 for electronic surveillance under this title. Any judge designated under this paragraph shall be designated publicly.''.

(b) CONSIDERATION OF EMERGENCY APPLICATIONS.—Such section is further amended by inserting after paragraph (2), as added by subsection (a) of this section, the following new paragraph:

''(3) A judge of the court established by paragraph (1) shall make a determination to approve, deny, or seek modification of an application submitted under section subsection (f) or (g) of section 105 not later than 24 hours after the receipt of such application by the court.''.

SEC. 102. ADDITIONAL PERSONNEL FOR PREPARATION AND CONSIDERATION OF APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) OFFICE OF INTELLIGENCE POLICY AND REVIEW.—

(1) ADDITIONAL PERSONNEL.—The Office of Intelligence Policy and Review of the Department of Justice is authorized such additional personnel, including not fewer than 21 full-time attorneys, as may be necessary to carry out the prompt and timely preparation, modification, and review of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes.

(2) ASSIGNMENT.—The Attorney General shall assign personnel authorized by paragraph (1) to and among appropriate offices of the National Security Agency in order that such personnel may directly assist personnel of the Agency in preparing applications described in that paragraph.

(b) FEDERAL BUREAU OF INVESTIGATION.—

(1) ADDITIONAL LEGAL AND OTHER PERSONNEL.—The National Security Branch of the Federal Bureau of Investigation is authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 for orders under section 105 of that Act approving electronic surveillance for foreign intelligence purposes.

(2) ASSIGNMENT.—The Director of the Federal Bureau of Investigation shall assign personnel authorized by paragraph (1) to and among the field offices of the Federal Bureau of Investigation in order that such personnel may directly assist personnel of the Bureau in such field offices in preparing applications described in that paragraph.

(c) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR NATIONAL SECURITY AGENCY.—The National Security Agency is authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 for orders under section 105 of that Act approving electronic surveillance for foreign intelligence purposes.

(d) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is authorized for the Foreign Intelligence Surveillance Court such additional personnel (other than judges) as may be necessary to facilitate the prompt and timely consideration by that Court of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 for orders under section 105 of that Act approving electronic surveillance for foreign intelligence purposes. Personnel authorized by this paragraph shall perform such duties relating to the consideration of such applications as that Court shall direct.

(e) SUPPLEMENT NOT SUPPLANT.—The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 103. TRAINING OF FEDERAL BUREAU OF INVESTIGATION AND NATIONAL SECURITY AGENCY PERSONNEL IN FOREIGN INTELLIGENCE SURVEILLANCE MATTERS.

The Director of the Federal Bureau of Investigation and the Director of the National Security Agency shall each, in consultation with the Attorney General—

(1) develop regulations establishing procedures for conducting and seeking approval of electronic surveillance on an emergency basis, and for preparing and properly submitting and receiving applications and orders, under sections 104 and 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804 and 1805); and

(2) prescribe related training for the personnel of the applicable agency.

TITLE II—IMPROVEMENT OF FOREIGN INTELLIGENCE SURVEILLANCE AUTHORITY

SEC. 201. EXTENSION OF PERIOD FOR APPLICATIONS FOR ORDERS FOR EMERGENCY ELECTRONIC SURVEILLANCE.

Section 105(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(f)) is amended by striking ''72 hours'' both places it appears and inserting ''168 hours''.

SEC. 202. ACQUISITION OF FOREIGN-FOREIGN COMMUNICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.

1801 et seq.), no court order shall be required for the acquisition through electronic surveillance of the contents of any communication between one person who is not located within the United States and another person who is not located within the United States for the purpose of collecting foreign intelligence information even if such communication passes through, or the surveillance device is located within, the United States.

(b) TREATMENT OF INTERCEPTED COMMUNICATIONS INVOLVING DOMESTIC PARTY.—If surveillance conducted, as described in subsection (a), inadvertently collects a communication in which at least one party is within the United States, the contents of such communications shall be handled in accordance with the minimization procedures set forth in section 101(h)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(h)(4)).

(c) DEFINITIONS.—In this section, the terms ''contents'', ''electronic surveillance'', and ''foreign intelligence information'' have the meaning given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 203. INDIVIDUALIZED FISA APPLICATIONS.

The contents of any wire or radio communication sent by a person who is reasonably believed to be inside the United States to a person outside the United States may not be retained or used unless a court order authorized under the Foreign Intelligence Surveillance Act is obtained.

SEC. 204. ISSUES RESERVED FOR THE COURTS.

Nothing in this Act shall be deemed to amend those provisions of FISA concerning any wire or radio communication sent from outside the United States to a person inside the United States. The constitutionality of such interceptions shall be determined by the courts, including the President's claim that his Article II authority supersedes FISA.

TITLE III—ENHANCED CONGRESSIONAL OVERSIGHT AND SUPREME COURT REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM

SEC. 301. CONGRESSIONAL OVERSIGHT.

(a) ELECTRONIC SURVEILLANCE UNDER FISA.—Section 108 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808) is amended—

(1) in subsection (a)(2)—

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

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) the authority under which the electronic surveillance is conducted.''; and

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

''(b) On a semiannual basis, the Attorney General additionally shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on electronic surveillance conducted without a court order.''.

(b) INTELLIGENCE ACTIVITIES.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 501 (50 U.S.C. 413)—

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

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

''(f) The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform, on a bipartisan basis, all members or any individual members of such committee of a report submitted under subsection (a)(1) or subsection (b) as such Chair considers necessary.''; and

(2) in section 502 (50 U.S.C. 414), by adding at the end the following new subsection:

''(d) INFORMING OF COMMITTEE MEMBERS.—The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform, on a bipartisan basis, all members or any individual members of such committee of a report submitted under subsection (a) as such Chair considers necessary.''.

SEC. 302. SUPREME COURT REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM.

(a) IN GENERAL.—Upon appeal by the United States or any party to the underlying proceedings, the Supreme Court of the United States shall review the final decision of any United States court of appeal concerning the legality of the Terrorist Surveillance Program.

(b) EXPEDITED CONSIDERATION.—It shall be the duty of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(c) DEFINITION.—In this section, the term ''Terrorist Surveillance Program'' means the program identified by the President of the United States on December 17, 2005, to intercept international communications into and out of the United States of persons linked to al Qaeda or related terrorist organizations.

TITLE IV—OTHER MATTERS

SEC. 401. DEFINITION.

In this Act, the term ''Foreign Intelligence Surveillance Court'' means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 403. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date that is 30 days after the date of the enactment of this Act.

By Mr. SALAZAR (for himself, Mr. LEAHY, Mr. REID, Mr. MENENDEZ, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 188. A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; to the Committee on the Judiciary.

Mr. SALAZAR. Mr. President, I rise today to speak on behalf of legislation I am introducing today, which has the support and co-sponsorship of several of my colleagues including Senators REID, LEAHY, FEINSTEIN, BOXER and MENENDEZ.

This is a simple, straight forward measure to include the name of César E. Chávez, a truly remarkable civil rights leader and American, into the title of the reauthorization of the Voting Rights Act passed last year.

With my bill, the title of this Act would be referred to as the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and César E. Chávez Voting Rights Act Reauthorization and Amendments Act of 2006. I am proud to have been part of a unanimous Senate that reauthorized this landmark piece of civil rights legislation. Reauthorizing the Voting Rights Act extended the open door for every American to exercise their right to participate in the representative democracy founded by our Constitution, and cherished by our people. In that spirit, it is fitting that César Chávez's name be included with the other names honored in this bill—as pioneers who helped pave the way to ensure that all Americans have a voice in electing their Government at the voting booth.

César Chávez is an American hero. Like the venerable American leaders who are now associated with this effort, he sacrificed his life to empower the most vulnerable in America. For this reason, he continues to be an important part of our country's journey on the path to a more inclusive America. César Chávez believed strongly in our American democracy and saw the right to vote as a fundamental cornerstone of our freedom. I believe it is fitting that his name be a part of the reauthorization of the Voting Rights Act.

President Lyndon Johnson once stated: ''The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.'' With his simple but powerful slogan ''Si Se Puede'' or yes, it can be done, César Chávez reminded us of this truth.

Still, throughout our history and even today, many Americans have been shut out of our most fundamental right, the right to vote. When President Johnson signed the Voting Rights Act of 1965 into law, he restored the faith of millions of African Americans, Hispanic Americans, Native Americans, and others who had historically been kept from voting.

As our Nation moved forward in the next chapter of civic equality and inclusion with the reauthorization of the Voting Rights Act last year, we demonstrated to millions of Hispanic Americans this body's continued commitment to safeguarding their right to vote. To include César E. Chávez's name to that commitment today is an important change because of the message it sends Hispanic Americans. It serves as a signal of Congress' commitment to an inclusive America that brings all Americans into our democratic process.

This past November, more than 86 million Americans voted all across the country. Fifty years ago, before the enactment of the Voting Rights Act, many would not have been able to do so. It is important and fitting that we

honor those civil rights leaders whose contributions and courage helped pave the way for today's more inclusive democracy, and it is fitting that the name of César E. Chávez be included with them in the title of last year's Voting Rights Act reauthorization. I look forward to working with my colleagues on this small change, and am hopeful that they will approve my proposal to revise the official title of this landmark reauthorization as the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and César E. Chávez Voting Rights Act Reauthorization and Amendments Act of 2006.

Mr. LEAHY. Mr. President, today I join Senator SALAZAR in introducing a bill to include Cesar E. Chavez among the names of the great civil rights leaders we honor in the title of last year's Voting Rights Act Reauthorization and Amendments Act of 2006, ''VRARA''. I supported taking this action last year during the Senate Judiciary Committee's consideration of the VRARA when I offered an amendment on behalf of Senator SALAZAR to add the Hispanic civil rights leader to those for whom the law is named. As Senator SALAZAR reminded us, Cesar Chavez is an American hero who sacrificed his life to empower the most vulnerable in America. Like Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, for whom the VRARA is named, he believed strongly in the right to vote as a cornerstone of American democracy. I offered the amendment in the Judiciary Committee and it was adopted without dissent.

In order not to complicate final passage of the Voting Rights Act, the Senate proceeded to adopt the House-passed bill without amendment so that it could be signed into law without having to be reconsidered by the House. At that time, I committed to work with Senator SALAZAR to conform the law to include recognition of the contribution to our civil rights, voting rights and American society by Cesar Chavez.

Cesar Chavez's name should be added to the law as important recognition of the broad landscape of political inclusion made possible by the Voting Rights Act. This bill would not alter the bill's vital remedies for continuing discrimination in voting, but is overdue recognition of the importance of the Voting Rights Act to Hispanic-Americans. Prior to the VRA, Hispanics, like minorities of all races, faced major barriers to participation in the political process, through the use of such devices as poll taxes, exclusionary primaries, intimidation by voting officials, language barriers, and systematic vote dilution.

I urge the Senate quickly to take up and pass this measure as we convene the new Congress and commit ourselves again to ensuring that the great promises of the 14th and 15th amendments are kept for all Americans and that the Voting Rights Act Reauthorization and Amendments Act is fully implemented to protect the rights of all Americans.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. FEINGOLD):

S. 192. A bill providing greater transparency with respect to lobbying activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. MCCAIN. Mr. President, today I am pleased to be joined by Senators FEINGOLD, COLLINS, and LIEBERMAN in introducing a bill to provide greater transparency into the process of influencing our Government, and to ensure greater accountability among public officials.

The legislation proposes a number of important and necessary reforms. It would provide for faster reporting and greater public access to reports filed by lobbyists and their employers under current law. It would require greater disclosure of lobbyists' contributions and payments to lawmakers and entities associated with them, as well as fundraising and other events they host. the bill also would require greater disclosure from both lobbyists, and Members and employees of Congress, of travel that is arranged or financed by a lobbyist or his client.

To address the problem of the revolving door between Government and the private sector, the bill would strengthen the lobbying restrictions on former senior members of the Executive Branch, former Members of Congress, and former senior congressional staff. It would require that Members publicly disclose negotiations they are having with prospective private employers to ensure there is no conflict of interests. The bill also would modify the provision in current law that exempts former Federal employees who go to work for Indian tribes as outside lobbyists and agents from the revolving door laws.

The bill would prohibit all gifts from lobbyists to lawmakers and their staff. To ensure that such a ban is not circumvented, the bill also would require Members of Congress and their staff to pay the fair market value for travel on private planes and the fair market value of sports and entertainment tickets. Members and staff would also have to post the details of their privately-sponsored work trips on-line for public inspection.

The bill would establish an independent, non-partisan Office of Public Integrity. Armed with a number of investigative tools, the Office of Public Integrity would investigate alleged misconduct by Members and their staff and make appropriate recommendations to the Senate Ethics Committee for final disposition.

Finally, the bill would help us combat wasteful, porkbarrel spending. It would amend Congressional rules to allow lawmakers to challenge unauthorized appropriations, earmarks, and policy riders in appropriations bills.

Mr. President, when I introduced similar legislation over a year ago, I regretted that such reform was even necessary. And, I voted against the bill that was ultimately passed in the Senate because it lacked a number of elements essential to true reform.

Unfortunately, the need for such reform has only become more acute. The American people's faith and confidence in this venerable institution has steadily eroded. The day after the mid-term elections, CNN reported that, according to national exit polls, voters were concerned about corruption and ethics in Government more than any other issue. I can tell you the polls, if not spot on, are not far off.

During my travels around the country last year, it quickly became clear that there is a deep perception that we legislators do not act on the priorities of the American people, that special interests, and not the people's interests, guide our legislative hand. This loss in confidence is not limited to a single party or ideology; rather, it cuts across the spectrum. It is a perception bred by recent Congressional failures and scandals, which I need not chronicle here.

We can begin to restore faith in this institution by divesting ourselves of some of the perks and privileges that have somehow crept into public service. Take, for example, free meals and sports and entertainment tickets. The American people have rightfully come to see the abuse of such perks as a corrupting influence. In a string of guilty pleas last year, several lobbyists, former congressional aides, and a congressman admitted that such gifts were used as bribes. Quite frankly, there is no good reason why Members of Congress and their staff cannot forgo such gifts from lobbyists. No one would seriously contend that they are necessary for us to conduct the people's business. A total gift ban would go a long way towards restoring the public's confidence in us.

Another critical aspect requiring reform is the ability of a Member to travel on a corporate jet and only pay the rate of a first class plane ticket. This bill requires Senators and their employees who use corporate or charter aircraft to pay the fair market value for that travel. While I appreciate that such a change is not popular with some of my colleagues, the time has come to fundamentally change the way we do things in this town. Much of the public views our ability to travel on corporate jets, often accompanied by lobbyists, while only reimbursing the first-class rate, as a huge loophole in the current gift rules. And they are right—it is. I

have no doubt that the average American would love to fly around the country on very comfortable corporate-owned aircraft and only be charged the cost of a first-class ticket. It is a pretty good deal we have got going here. We need to face the fact that the time has come to end this Congressional perk.

At a time when the public is questioning our integrity, the Senate needs to more aggressively enforce its own rules. We can do this not just by making more public the work that the Senate Ethics Committee currently undertakes, but by addressing the conflict that is inherent in any body that regulates itself. That is why I am again proposing the creation of a new Office of Public Integrity with the capacity to initiate and conduct investigations, uncolored by partisan concerns and unconstrained by collegial relationships.

Finally, Mr. President, if we are truly serious about reform, we need to address what some have coined the currency of corruption—earmarks. In 1994, there were 4,126 earmarks. In 2005, there were 15,877—an increase of nearly 400 percent! But there was a little good news for 2006 solely due to the good sense that occurred unexpectedly when the Labor HHS appropriations bill was approved with almost no earmarks, an amazing feat given that there were over 3,000 earmarks the prior year for just that bill. Yet despite this first reduction in 12 years, it does not change the fact that the largest number of earmarks have still occurred in the last three years—2004, 2005, and 2006.

Now, let us consider the level of funding associated with those earmarks. The amount of earmarked funding increased from $23.2 billion in 1994 to $64 billion in FY 2006. Remarkably, it rose by 34 percent from 2005 to 2006, even though the number of earmarks decreased! Earmarked dollars have doubled just since 2000, and more than tripled in the last 10 years. This explosion in earmarks led one lobbyist to deride the appropriations committees as favor factories. The time for us to fix this broken process is long overdue.

Mr. President, this past election, the American people sent a clear message: clean up the way business is done in our capitol. As faithful public servants, we are obligated to respond. Let us respond meaningfully, to assure the American people that we are here promoting the interests of main street over that of K Street, and that we are more interested in public service than the perks and privileges offered us. Let us also remind ourselves that we came here in the sincere belief that public service is a noble calling, a reward unto itself.

I therefore urge my colleagues in joining me on this bill. I think our Nation and this venerable institution will be all the better for it.

By Mr. CRAIG:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relative to require a balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, today I am reintroducing the balanced budget amendment to the Constitution of the United States. I, for some years, along with my colleagues in a bipartisan way, have spoke to this issue. Today, in a new year and in a new Congress, Americans are eager to see a new direction for our country. They have seen Federal spending increase by $200 billion from fiscal years 2005 to 2006. They have watched the Federal deficit swell into hundreds of billions of dollars, and they have borne the costs. Our spending system is broken and, in my opinion, so is our Tax Code.

The new year is a time for new solutions to this problem. When new solutions that draw upon old principles of limited government and fiscal responsibility and tax simplicity and fairness are how you approach a problem, I think Americans once again will listen, and they will allow us to build a system that increasingly builds faith, once again, with the American people and America's taxpayers. It is simply getting back to basics. We must look at the big picture of Federal spending as a crisis in our country and begin to speak the language that is fundamental to reform in itself, not instead of half measures or bits or pieces or nibbling around the edges. But as both of our leaders have spoken in the last hour to bipartisan efforts, they speak of bold strokes to solving problems for America, and I think that is what Americans expect of us as their leaders. We must look at it simply and reduce the deficit—I would hope we could eliminate it—and to do so with a Tax Code that is fairer, more balanced, certainly simpler, and not so complex that the American taxpayers collectively have to spend billions of dollars a year simply in complying with the Tax Code itself.

In the coming months, I will address all three components of the Federal spending crisis, including a flat tax and a budget process that reforms what we get done here, and that we get it done in a timely manner. I begin with a balanced budget amendment to the United States Constitution. For many Americans, one of the signs of our deep respect for the Constitution is to acknowledge that, in exceptional cases, a problem finally rises to a level that it can only be addressed through a constitutional adjustment in our government.

I believe spending is at that crisis level and we here, Democrat and Republican, have demonstrated our inability to deal with it in a timely and responsible fashion. So it is time we act. My balanced budget amendment would require Congress to pass a balanced budget every year to ensure that Social Security surpluses are set aside exclusively to meet the future needs of beneficiaries and to require a supermajority in both the House and the Senate to raise the Nation's debt limit. In addition, it recognizes that national security is a priority of this Congress by providing essential exceptions for war and imminent military threats. In other words, over the last several years a balanced budget amendment would not have deterred us from funding, as appropriate and necessary, our engagement in Iraq and to make sure the men and women who are there on the front lines today are adequately provided with the necessary tools.

Thomas Jefferson said it so well, and he said this:

. . .with respect to future debt, would it not be wise and just for that nation to declare in the constitution they are forming that neither the legislature, nor the nation itself can validly contract more debt than they may pay?

His logic is simple. His logic is right. I urge you to join me in making fiscal responsibility constitutionally acceptable—and a habit—of this Nation's Capitol.

With the first piece of legislation I introduce to the 110th Congress, I call on the Senate to pass a balanced budget amendment to the Constitution, a bill of economic rights for our future and our children.

I ask unanimous consent that a copy of this joint resolution proposing a balanced budget amendment to the Constitution be printed in the RECORD.

Mr. CRAIG. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

''SECTION 3. Any surplus of receipts (including attributable interest) over outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds shall not be counted for purposes of

this article. Any deficit of receipts (including attributable interest) relative to outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds shall be counted for purposes of this article, and must be completely offset by a surplus of all other receipts over all other outlays.

''SECTION 4. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 5. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

''SECTION 6. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 7. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 8. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 9. This article shall take effect the second fiscal year beginning after its ratification.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—TO ELECT ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 3

Resolved, That Robert C. Byrd, a Senator from the State of West Virginia, be, and he is hereby, elected President of the Senate pro tempore.

SENATE RESOLUTION 4—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 4

Resolved, That the President of the United States be notified of the election of the Honorable Robert C. Byrd as President of the Senate pro tempore.

SENATE RESOLUTION 5—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of the Honorable Robert C. Byrd as President of the Senate pro tempore.

SENATE RESOLUTION 6—EXPRESSING THE THANKS OF THE SENATE TO THE HONORABLE TED STEVENS FOR HIS SERVICE AS PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE AND TO DESIGNATE SENATOR STEVENS AS PRESIDENT PRO TEMPORE EMERITUS OF THE UNITED STATES SENATE

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 6

Resolved, That the United States Senate expresses its deepest gratitude to Senator Ted Stevens for his dedication and commitment during his service to the Senate as the President Pro Tempore.

Further, as a token of appreciation of the Senate for his long and faithful service, Senator Ted Stevens is hereby designated President Pro Tempore Emeritus of the United States Senate.

SENATE RESOLUTION 7—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 7

Resolved, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 8—ELECTING NANCY ERICKSON AS SECRETARY OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 8

Resolved, That Nancy Erickson of South Dakota be, and she is hereby, elected Secretary of the Senate.

SENATE RESOLUTION 9—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 9

Resolved, That the President of the United States be notified of the election of the Honorable Nancy Erickson as Secretary of the Senate.

SENATE RESOLUTION 10—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 10

Resolved, That the House of Representatives be notified of the election of the Honorable Nancy Erickson as Secretary of the Senate.

SENATE RESOLUTION 11—ELECTING TERRANCE W. GAINER AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 11

Resolved, That Terrance W. Gainer of Illinois be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 12—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 12

Resolved, That the President of the United States be notified of the election of the Honorable Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 13—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 13

Resolved, That the House of Representatives be notified of the election of the Honorable Terrance W. Gainer as Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 14—ELECTING MARTIN P. PAONE OF VIRGINIA AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 14

Resolved, That Martin P. Paone of Virginia be, and he is hereby, elected Secretary for the Majority of the Senate.

SENATE RESOLUTION 15—ELECTING DAVID J. SCHIAPPA OF MARYLAND AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES 15

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Minority of the Senate.

SENATE RESOLUTION 16—TO MAKE EFFECTIVE APPOINTMENT OF THE SENATE LEGAL COUNSEL

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 16

Resolved, That the appointment of Morgan J. Frankel to be Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2007, and the term of service of the appointee shall expire at the end of the One Hundred Eleventh Congress.

SENATE RESOLUTION 17—TO MAKE EFFECTIVE APPOINTMENT OF THE DEPUTY SENATE LEGAL COUNSEL

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 17

Resolved, That the appointment of Patricia Mack Bryan, of Virginia, to be Deputy Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2007, and the term of service of the appointee shall expire at the end of the One Hundred Eleventh Congress.

SENATE RESOLUTION 18—EXPRESSING THE SENSE OF THE SENATE REGARDING DESIGNATION OF THE MONTH OF NOVEMBER ''NATIONAL MILITARY FAMILY MONTH''

Mr. REID (for Mr. INOUYE) submitted the following resolution; which was referred to the Committee on armed Services:

S. RES. 18

Whereas military families, through their sacrifices and their dedication to the United States and its values, represent the bedrock upon which the United States was founded and upon which the country continues to rely in these perilous and challenging times: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the month of November should be designated as ''National Military Family Month''; and

(2) the Senate encourages the people of the United States to observe ''National Military Family Month'' with appropriate ceremonies and activities.

Mr. INOUYE. Mr. President, today I rise to honor all our military families by submitting a Resolution to designate November as National Military Family Month. As we all know, memories fade and the hardships experienced by our military families are easily forgotten unless they touch our own immediate family.

Today, we have our men and women deployed all over the world, engaged in this war on terrorism. These far-ranging military deployments are extremely difficult on the families who bear this heavy burden.

To honor these families, the Armed Services YMCA has sponsored Military Family Week in late November since 1996. However, due to frequent ''short week'' conflicts around the Thanksgiving holidays, the designated week has not always afforded enough time to schedule observances on and near our military bases.

I believe a month long observation will allow greater opportunity to plan events. Moreover, it will provide a greater opportunity to stimulate media support.

A resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to our military families.

SENATE RESOLUTION 19—HONORING PRESIDENT GERALD RUDOLPH FORD

Mr. REID (for himself, Mr. MCCONNELL, Ms. STABENOW, Mr. LEVIN, Mr. AKAKA, Mr. ALEXANER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. Murkowski, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was ordered held at the desk:

S. RES. 19

Whereas Gerald Rudolph Ford, the 38th President of the United States, was born on July 14, 1913, in Omaha, Nebraska;

Whereas Gerald Ford was raised in Grand Rapids, Michigan, where he was active in the Boy Scouts and where he excelled as both a student and an athlete during high school;

Whereas after graduating from high school, Gerald Ford attended the University of Michigan at Ann Arbor, where he played on the university's national championship football teams in 1932 and 1933, and was honored as the team's most valuable player in 1934, before graduating with a B.A. degree in 1935;

Whereas Gerald Ford later attended Yale Law School and earned an LL.B. degree in 1941, after which he began to practice law in Grand Rapids;

Whereas Gerald Ford joined the United States Naval Reserve in 1942 and served his country honorably during World War II;

Whereas upon returning from his service in the military, Gerald Ford ran for the United States House of Representatives and was elected to Congress;

Whereas Gerald Ford served in the House of Representatives from January 1949 to December 1973, winning reelection 12 times, each time with more than 60 percent of the vote;

Whereas Gerald Ford served with great distinction in Congress, in particular through his service on the Defense Appropriations Subcommittee, of which he rose to become ranking member in 1961;

Whereas in addition to his work in the House of Representatives, Gerald Ford served as a member of the Warren Commission, which investigated the assassination of President John F. Kennedy;

Whereas, in 1965, Gerald Ford was selected as minority leader of the House of Representatives, a position he held for 8 years;

Whereas after the resignation of Vice President Spiro Agnew in 1973, Gerald Ford was chosen by President Richard Nixon to serve as Vice President of the United States;

Whereas following the resignation of President Nixon, Gerald Ford took the oath of office as President of the United States on August 9, 1974;

Whereas upon assuming the presidency, Gerald Ford helped the nation heal from one of the most difficult and contentious periods in United States history, and restored public confidence in the country's leaders;

Whereas Gerald Ford's basic human decency, his integrity, and his ability to work cooperatively with leaders of all political parties and ideologies, earned him the respect and admiration of Americans throughout the country; and

Whereas Gerald Ford was able to serve his country with such great distinction in large part because of the continuing support of his widely admired wife, Elizabeth (Betty), who also has contributed much to the nation in many ways, and of their 4 children, Michael, John, Steven, and Susan: Now, therefore, be it

Resolved, That the Senate notes with deep sorrow and solemn mourning the death of President Gerald Rudolph Ford.

Resolved, That the Senate extends its heartfelt sympathy to Mrs. Ford and the family of President Ford.

Resolved, That the Senate honors and, on behalf of the nation, expresses deep appreciation for President Ford's outstanding and important service to his country.

Resolved, That the Senate directs the Secretary of the Senate to communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

SENATE RESOLUTION 20—RECOGNIZING THE UNCOMMON VALOR OF WESLEY AUTRY OF NEW YORK, NEW YORK

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 20

Whereas Wesley Autry is a citizen of New York, New York;

Whereas Wesley Autry is a veteran of the United States Navy;

Whereas Wesley Autry witnessed a fellow subway passenger suffer from a seizure and fall onto the train tracks;

Whereas Wesley Autry was compelled by his belief that he should ''do the right thing'' and serve as an example to his 2 young daughters;

Whereas Wesley Autry demonstrated uncommon valor and tremendous bravery in diving onto the train tracks to save the life of his fellow subway passenger only moments before an incoming train passed over them;

Whereas the beneficiary of Wesley Autry's courageous actions is now recovering at St. Luke's Roosevelt Hospital Center, New York;

Whereas Wesley Autry has conducted himself with the utmost humility in the midst of his newfound fame; and

Whereas Wesley Autry stands out as an example of selflessness to members of his community, his state, and the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that Wesley Autry acted heroically by putting his own life at risk to save that of his fellow citizen; and

(2) expresses its deep appreciation for Wesley Autry's example and the values that his actions represent.

SENATE CONCURRENT RESOLUTION 1—EXPRESSING THE SENSE OF CONGRESS THAT AN ARTISTIC TRIBUTE TO COMMEMORATE THE SPEECH GIVEN BY PRESIDENT RONALD REAGAN AT THE BRANDENBURG GATE ON JUNE 12, 1987, SHOULD BE PLACED WITHIN THE UNITED STATES CAPITOL

Mr. ALLARD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration.

S. CON. RES. 1

Whereas the people of the United States successfully defended freedom and democracy for over 40 years in a global Cold War against an aggressive Communist tyranny;

Whereas President Ronald Wilson Reagan's demonstration of unwavering personal conviction during this conflict served to inspire millions of people throughout the United States and around the world to seek democracy, freedom, and greater individual liberty; and

Whereas President Reagan's determined stand against the Soviet Union during his 8 years as President served as the catalyst for the collapse of the Soviet Union: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, during which he uttered the immortal words, ''Mr. Gorbachev, tear down this wall!'', should be placed within the United States Capitol.

Mr. ALLARD. Mr. President, finally, I would like to note that nearly 20 years ago, on June 12, 1987, President Ronald Reagan stood at the Berlin Wall, at the Brandenburg Gate, and issued his—issued liberty's—famous challenge to Soviet tyranny:

Mr. Gorbachev, tear down this Wall!

I am submitting a resolution today calling for an artistic rendering of that moment in time to be painted into the Capitol, along with the other significant scenes of our Nation's past. As we walk through the building today, we can see scenes from the Nation's founding, from the Civil War, our westward expansion, even the Moon landing and Challenger astronauts. I would like to also see Reagan at the Brandenburg Gate. I think it would be entirely appropriate to have this image added. It would be an important reminder of the struggle this Nation undertook. It would stand for the millions of Americans who did their part for nearly half a century in that struggle, both military and civilian. And it would testify to the greatness of our Nation, and the greatness of our 40th President.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Saxby Chambliss:									
Greenland	Krone		46.75						46.75
Turkey	Lira		462.00						462.00
Georgia	Lari		99.10						99.10
Montenegro	Euro		710.24						710.24
Italy	Euro		81.48		3,290.59				3,372.07

Total			1,399.57		3,290.59				4,690.16

SAXBY CHAMBLISS,
Chairman, Committee on Agriculture, Nutrition and Forestry, Oct. 3, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Gove:									
Kuwait	Dinar		292.00						292.00
France	Euro		1,470.00						1,470.00
United States	Dollar				8,373.50				8,373.50
Tom Hawkins:									
Kuwait	Dinar		292.00						292.00
France	Euro		1,470.00						1,470.00
United States	Dollar				8,373.50				8,373.50
James Hayes:									
United Kingdon	Pound		302.75				27.26		330.01
France	Euro		914.25						914.25
United States	Dollar				1,322.70				1,322.70
Howard Sutton:									
United Kingdom	Pound		302.75				39.26		342.01
France	Euro		914.25						914.25
United States	Dollar				1,322.70				1,322.70
Dennis Balkham:									
Belgium	Euro		400.00						400.00
Romania	Lei		202.00						202.00
Switzerland	Euro		356.00						356.00
United States	Dollar				6,480.96				6,480.96
Sean Knowles:									
Belgium	Euro		400.00						400.00
Romania	Lei		202.00						202.00
Switzerland	Euro		356.00						356.00
United States	Dollar				6,480.96				6,480.96
B.G. Wright:									
Belgium	Euro		400.00						400.00
Romania	Lei		202.00						202.00
Switzerland	Euro		356.00						356.00
United States	Dollar				6,480.96				6,480.96
Christina Evans:									
Belgium	Euro		400.00						400.00
Romania	Lei		202.00						202.00
Switzerland	Euro		356.00						356.00
United States	Dollar				6,480.96				6,480.96
Allen Cutler:									
China	Yuan		906.00						906.00
United States	Dollar			6,967.75					6,967.75
Michele Gordon:									
United States	Dollar				2,300.00				2,300.00
Marshall Islands	Dollar		1,200.00						1,200.00
Emily Brunini:									
United States	Dollar				2,300.00				2,300.00
Marshall Islands	Dollar		1,200.00						1,200.00
Sudip Parikh:									
China	Yuan		1,573.63				72.00		1,645.63
United States	Dollar				8,539.60				8,539.60
Bettilou Taylor:									
China	Yuan		1,573.63				72.00		1,645.63
United States	Dollar				8,539.60				8,539.60
Scott Dalzell:									
Marshall Islands	Dollar		900.76						900.76
United States	Dollar				3,114.90				3,114.90
Ellen Murray:									
China	Yuan		1,573.63						1,5373.63
United States	Dollar				8,539.60				8,539.60
Paul Carliner:									
China	Yuan		906.76						906.76
United States	Dollar				6,967.75				6,967.75
Erik Fatemi:									
China	Yuan		1,573.63						1,573.63
United States	Dollar				8,539.60		90.00		8,629.60
Adrienne Hallett:									
China	Yuan		1,573.63						1,573.63
United States	Dollar				8,539.60				8,539.60
Charles Houy:									
Phillipines	Peso		846.00						846.00
United States	Dollar				2,843.75				2,843.75
Senator Inouye:									
Phillipines	Peso		846.00						846.00
United States	Dollar				2,843.75				2,843.75
Jennifer Park:									
Kenya	Shillings		1,440.00						1,440.00
Rwanda	Francs		626.00						626.00
United States	Dollar				8,144.27				8,144.27
Erik Fatemi:									
United Kingdom	Pound		2,354.00						2,354.00
United States	Dollar				2,160.54				2,160.54
									0.00
Timothy Rieser:									
Colombia	Dollar		708.00				92.00		800.00
United States	Dollar				1,050.92				1,050.92
									0.00
B.G. Wright:									
South Korea	Won		1,158.00						1,158.00
United States	Dollar				9,336.74				9,336.74
Total			30,749.67		136,044.61		392.52		166,794.28

THAD COCHRAN,
Chairman, Committee on Appropriations, Oct. 6, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Cornyn:									
United States	Dollar				5,693.00				5,693.00
Brazil	Dollar		288.00						288.00
Colombia	Dollar		165.00						165.00
Russell J. Thomasson:									
United States	Dollar				5,693.00				5,693.00
Brazil	Dollar		288.00						288.00
Colombia	Dollar		165.00						165.00
Senator Jack Reed:									
United States	Dollar				7,546.16				7,546.16
Kuwait	Dollar		311.00						311.00
Jordan	Dollar		159.00						159.00
Elizabeth King:									
United States	Dollar				7,546.16				7,546.16
Kuwait	Dollar		313.00						313.00
Jordan	Dollar		154.00						154.00
Gregory T. Kiley:									
United States	Dollar				8,513.11				8,513.11
Kuwait	Dollar		909.80						909.80
Afghanistan	Dollar		4.00						4.00
Derek M. Maurer:									
United States	Dollar			8,533.00					8,533.00
Kuwait	Dollar		908.00						908.80
Afghanistan	Dollar		4.00						4.00
Michael J. McCord:									
United States	Dollar			8,533.00					8,533.00
Kuwait	Dollar		853.00						853.00
Afghanistan	Dollar		25.00						25.00
Senator John McCain:									
Greenland	Dollar		46.75						46.75
Turkey	Dollar		462.00						462.00
Georgia	Dollar		77.70						77.70
Montenegro	Dollar		331.42						331.42
Italy	Dollar		206.79						206.79
Senator Lindsey O. Graham:									
Greenland	Dollar		18.70						18.70
Turkey	Dollar		349.00						349.00
Georgia	Dollar		9.35						9.35
Montenegro	Dollar		301.95						301.95
Italy	Dollar		178.64						178.64
Richard H. Fontaine, Jr.:									
Greenland	Dollar		274.00						274.00
Turkey	Dollar		388.00						388.00
Georgia	Dollar		375.00						375.00
Montenegro	Dollar		615.00						615.00
Italy	Dollar		423.00						423.00
Senator Jeff Sessions:									
United States	Dollar				6,506.21				6,506.21
Belgium	Euro		204.00						204.00
United Kingdom	Pound		223.00						223.00
Archibald Galloway:									
United States	Dollar				6,506.21				6,506.21
Belgium	Euro		204.00						204.00
United Kingdom	Pound		223.00						223.00
Total			9,458.10		65,069.85				74,527.95

JOHN WARNER,
Chairman, Committee on Armed Services, Oct. 30, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James M. Inhofe:									
Ethiopia	Dollar		265.71						265.71
Uganda	Dollar		58.02						58.02
Italy	Dollar		152.60						152.60
United States	Dollar				7,205.66				7,205.66
John Bonsell:									
United States	Dollar				6,670.66				6,670.66
Ethiopia	Dollar		251.78						251.78
Uganda	Dollar		654.39						654.39
Italy	Dollar		141.33						141.33
Mark Powers:									
United States	Dollar				6,690.66				6,690.66
Qatar	Dollar		266.61						266.61
Ethiopia	Dollar		243.83						243.83
Uganda	Dollar		61.61						61.61
Italy	Dollar		191.88						191.88
Total			2,287.76		20,566.98				22,854.74

JOHN WARNER,
Chairman, Committee on: Armed Services, Oct. 30, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
United States	Dollar				12,102.76				12,102.76
Japan	Yen		1,692.00						1,692.00
China	Yuan		1,538.00						1,538.00
Russia	Ruble		1,976.00						1,976.00
Germany	Euro		1,017.00						1,017.00
Belgium	Euro		509.00						509.00
United Kingdom	Pound		2,409.00						2,409.00
William D. Duhnke:									
United States	Dollar				12,102.76				12,102.76
Japan	Yen		830.00						830.00
China	Yuan		1,002.00						1,002.00
Russia	Ruble		1,395.00						1,395.00
Germany	Euro		701.00						701.00
Belgium	Euro		347.00						347.00
United Kingdom	Pound		1,712.00						1,712.00
Steven B. Harris:									
United States	Dollar				12,102.76				12,102.76
Japan	Yen		1,180.00						1,180.00
China	Yuan		1,073.00						1,073.00
Russia	Ruble		1,379.00						1,379.00
Germany	Euro		678.00						678.00
Belgium	Euro		355.00						355.00
United Kingdom	Pound		1,681.00						1,681.00
Total			21,474.00		36,308.28				57,782.28

RICHARD C. SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 18, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Scott Gudes:									
United States	Dollar				2,259.00				2,259.00
Honduras	Dollar		50.00						50.00
Nicaragua	Dollar		146.00						146.00
El Salvador	Dollar		571.00						571.00
Cheryl Reidy:									
United States	Dollar				2,259.00				2,259.00
Honduras	Dollar		50.00						50.00
Nicaragua	Dollar		146.00						146.00
El Salvador	Dollar		571.00						571.00
Michael Lofgren:									
United States	Dollar				7,277.80				7,277.80
Norway	Kroner		748.00						748.00
Germany	Euro		1,072.00						1,072.00
Total			3,354.00		11,795.80				15,149.80

JUDD GREGG,
Chairman, Committee on U.S. Senate Budget Committee, Oct. 2, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator David Vitter:									
United States	Dollar				6,754.82				6,754.82
Kuwait	Dinar		406.00						406.00
France	Euro		205.00				369.89		574.89
Tonya Newman:									
United States	Dollar				6,754.82				6,754.82
Kuwait	Dinar		406.00						406.00
France	Euro		205.00				369.89		574.89
Justin Crossie:									
United States	Dollar				6,754.82				6,754.82
Kuwait	Dinar		406.00						406.00
France	Euro		205.00				369.89		574.89
Marie Blanco:									
United States	Dollar				2,217.50				2,217.50
Philippines	Peso		774.00						774.00
Total			2,607.00		22,481.96		1,109.67		26,198.63

TED STEVENS,
Chairman, Committee on Commerce, Science and Transportation,
Oct. 11, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY & NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Joshua Johnson:									
United States	Dollar				3,125.27				3,125.27
Marshall Islands	Dollar		1,200.00						1,200.00
Allen Stayman:									
United States	Dollar				2,989.79				2,989.79
Marshall Islands	Dollar		1,016.73						1,016.73
Total			2,216.73		6,115.06				8,331.79

PETE V. DOMENICI,
Chairman, Committee on Energy & Natural Resources, Sept. 18, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED FROM 1ST QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John F. Kerry:									
India	Rupeer						2,495.00		2,495.00
Nancy Stetson:									
India	Rupee						2,495.00		2,495.00
Total							4,990.00		4,990.00

RICHARD G. LUGAR,
Chairman, Committee on Foreign Relatins, Oct. 16, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden, Jr.:									
Kuwait	Dollar		406.00						406.00
Jordan	Dollar		289.00						289.00
United States	Dollar				7,815.00				7,815.00
Senator Richard Lugar:									
Poland	Dollar		1,000.00						1,000.00
Kazakhstan	Dollar		400.00						400.00
Azerbaijian	Dollar		400.00						400.00
Georgia	Dollar		400.00						400.00
Albania	Dollar		200.00						200.00
United Kingdom	Dollar		300.00						300.00
United States	Dollar				3,697.57				3,697.57
Senator Mel Martinez:									
Greenland	Dollar		53.80						53.80
Turkey	Dollar		462.00						462.00
Georgia	Dollar		58.30						58.30
Montenegro	Dollar		541.55						541.55
Italy	Dollar		372.13						372.13
Senator Barack Obama:									
South Africa	Rand		664.00						664.00
Kenya	Shilling		715.00		185.00				900.00
Djibouti	Franc		378.00						378.00
Chad	CFA		492.00						492.00
United States	Dollar				7,667,83				7,667.83
Senator John Sununu:									
Georgia	Dollar		29.51						29.51
Montenegro	Dollar		773.94						773.94
Italy	Dollar		385.84						385.84
United States	Dollar				549.93				549.93
Jonah Blank:									
Afghanistan	Dollar		591.00						591.00
Tajikistan	Dollar		582.00						582.00
Kazakhstan	Dollar		340.00						340.00
United Arab Emirates	Dollar		336.00						336.00
United States	Dollar				8,636.29				8,636.29
Jonah Blank:									
Vietnam	Dollar		2,613.00						2,613.00
Cambodia	Dollar		636.00		598.90		63.00		1,297.00
United States	Dollar				7,686.00				7,686.00
Anthony Blinken:									
Kuwait	Dollar		406.00						406.00
Jordan	Dollar		289.00						289.00
United States	Dollar				7,442.00				7,442.00
Perry Cammack:									
Israel	Dollar		2,382.00						2,382.00
United States	Dollar				3,683.00				3,683.00
Heather Flynn:									
Zimbabwe	Dollar		915.00						915.00
South Africa	Rand		1,330.00						1,330.00
Botswana	Pula		920.00						920.00
United States	Dollar				10,269.00				10,269.00
James Greene:									
Belgium	Euro		645.00						645.00
United States	Dollar				7,154.74				7,154.74
Frank Jannuzzi:									
South Korea	Won		1,544.00						1,544.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
China	Yuan		921.00						921.00
United States	Won				6,015.32				6,015.32
Mark Lippert:									
South Africa	Rand		664.00						664.00
Kenya	Shilling		888.00		185.00				1,073.00
Djibouti	Franc		378.00		0.00				378.00
Chad	CFA		492.00						492.00
United States	Dollar		0.00		7,047.83				7,047.83
W. Keith Luse:									
Idonesia	Rupiah		1,687.00		0.00				1,687.00
Singapore	Dollar		286.00						286.00
United States	Dollar		0.00		3,031.00				3,031.00
Kenneth A. Myers, Jr.:									
Portland	Dollar		200.00						200.00
Kazakhstan	Dollar		400.00						400.00
Azerbaijan	Dollar		400.00						400.00
Georgia	Dollar		400.00						400.00
Albania	Dollar		200.00						200.00
United Kingdom	Dollar		300.00						300.00
United States	Dollar		0.00		7,022.03				7,022.03
Kenneth A. Myers, III:									
Poland	Dollar		200.00		0.00				200.00
Kazakhstan	Dollar		400.00						400.00
Azerbaijan	Dollar		400.00						400.00
Georgia	Dollar		400.00						400.00
Albania	Dollar		200.00						200.00
United Kingdom	Dollar		300.00						300.00
United States	Dollar		0.00		7,670.48				7,670.48
Michael V. Phelan:									
Afghanistan	Afghani		1,287.00						1,287.00
Pakistan	Rupee		927.00						927.00
United States	Dollar				8,408.44				8,408.00
Jordan Lee Talge:									
China	Yuan		2,054.75						2,054.75
Puneet Talwar:									
Kuwait	Dollar		406.00						406.00
Jordan	Dollar		289.00						289.00
United States	Dollar				7,442.00				7,442.00
Puneet Talwar:									
Cyprus	Dollar		327.00						327.00
Lebanon	Dollar		94.00						94.00
Israel	Dollar		1,385.00						1,385.00
United States	Dollar				5,807.60				5,807.60
Tomicah Tillemann:									
Serbia	Dinar		322.00						322.00
Bosnia	Dollar		602.00						602.00
Serbia	Dollar		424.00						424.00
Chris Ann Keehner:									
Kenya	Dollar		1,941.00						1,941.00
United States	Dollar				9,321.00				9,321.00
Total			41,024.82		127,335.96		63.00		168,423.78

RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, Oct. 16, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Coburn:									
United States	Dollar				6,862.82				6,862.82
Kuwait	Dinar		272.00						272.00
Leland Erickson:									
United States	Dollar				691.62				691.62
United Kingdom	Pound		1,060.00						1,060.00
Belgium	Euro		800.00						800.00
Netherlands	Euro		400.00						400.00
Robert Strayer:									
United States	Dollar				711.62				711.62
United Kingdom	Pound		1,000.00		282.00				1,282.00
Belgium	Euro		760.00						760.00
Netherlands	Euro		375.00						375.00
Jason Yanussi:									
United States	Dollar				711.62				711.62
United Kingdom	Pound		1,010.09		282.00				1,292.09
Belgium	Euro		776.74		22.08				798.82
Netherlands	Euro		367.71						367.71
Total			6,821.54		9,563.76				16,385.30

SUSAN M. COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs Committee, Oct. 10, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Nepal	Rupee		287.46						287.46
Bhutan	Ngultrum		545.86						545.86
Kuwait	Dinar		406.00						406.00
Israel	New Shekel		588.41						588.41
Libya	Dinar		528.58						528.58
Ireland	Euro		179.76						179.76
Christopher Bradish:									
Nepal	Rupee		397.00						397.00
Bhutan	Ngultrum		587.00						587.00
Kuwait	Dinar		421.00						421.00
Israel	New Shekel		810.00						810.00
Libya	Dinar		725.00						725.00
Ireland	Euro		283.00						283.00
Total			5,759.07						5,759.07

ARLEN SPECTER,
Chairman, Committee on Judiciary, Nov. 9, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Michael B. Enzi:									
Italy	Euros		909.99						909.99
Kuwait	Dinar		406.00						406.00
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
Senator Lamar Alexander:									
Italy	Euros		909.99						909.99
Kuwait	Dinar		406.00						406.00
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
Senator Johnny Isakson:									
Italy	Euros		909.99						909.99
Kuwait	Dinar		406.00						406.00
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
Katherine B. McGuire:									
United States	Dollar				909.47				909.47
Italy	Euros		1,127.99						1,127.99
Kuwait	Dinar		406.00						406.00
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
David P. Cleary:									
United States	Dollar				10,358.73				10,358.73
Italy	Euros		909.99						909.99
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
Beth B. Buehlmann:									
United States	Dollar				10,358.73				10,358.73
Italy	Euros		909.99						909.99
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.12						423.12
Glee C. Smith:									
United States	Dollar				10,358.73				10,358.73
Italy	Euros		909.99						909.99
India	Rupee		2,108.07						2,108.07
Austria	Euros		423.11						423.11
Delegation Expenses:									
Italy	Euros						1,905.49		1,905.49
Kuwait	Dinar						1,460.20		1,460.20
Sri Lanka	Rupee						3,835.00		3,835.00
India	Rupee						28,153.03		28,153.03
Austria	Euros						4,427.62		4,427.62
Charlotte S. Ivancic:									
United States	Dollar				862.27				862.27
United Kingdom	Pound		1,539.00						1,539.00
Total			27,469.25		32,847.93		39,781.34		100,098.52

MICHAEL B. ENZI,
Chairman, Committee on Health, Education, Labor, and Pensions,
Aug. 16, 2006

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Burr:									
United States	Dollar				2,294.50				2,294.50
Georgia	Lari		375.00						375.00
Montenegro	Euros		615.00						615.00
Italy	Euros		423.00						423.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			1,413.00		2,294.50				3,707.50

MICHAEL B. ENZI,
Chairman, Committee on Health, Education, Labor, and Pensions, Oct. 3, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Burr:.									
United States	Dollar				6,734.82				6,734.82
France	Euro		205.00						205.00
Kuwait	Dinar		406.00						406.00
Kevin Hernandez:									
United States	Dollar				6,734.82				6,734,82
France	Euro		205.00						205.00
Kuwait	Dinar		406.00						406.00
Total			1,222.00		13,469.64				14,691.64

LARRY E. CRAIG,
Chairman, Committee on Veterans' Affairs, Oct. 6, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William Castle			201.62						201.62
Total			201.62						201.62

PAT ROBERTS,
Chairman, Committee on Intelligence, Oct. 24, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Randall Bookout:			2,596.00						2,596.00
	Dollar				6,395.00				6,395.00
Lorenzo Goco:			1,976.00						1,976.00
	Dollar				7,151.43				7,151.43
Senator Christopher Bond:			1,332.00						1,332.00
	Dollar						100.00		100.00
	Dollar				8,433.92				8,433.92
Louis Tucker:			1,332.00						1,332.00
	Dollar				7,865.07				7,865.07
Mike DuBois:			1,382.00						1,382.00
	Dollar				7,865.07				7,865.07
Eric Rosenbach:			895.27						895.27
	Dollar						98.94		98.94
	Dollar				8,275.26				8,275.26
Thomas Pack:			1,327.10						1,372.10
	Dollar				8,275.26				8,275.26
Paul Matulic:			1,477.95						1,477.95
	Dollar				8,275.26				8,275.26
Jennifer Wagner:			1,286.20						1,286.20
	Dollar				8,275.26				8,275.26
John Maguire:			1,881.00						1,881.00
	Dollar				6,737.36				6,737.36
John Dickas:			1,562.17						1,562.17
	Dollar				6,737.49				6,737.49
Todd Rosenblum:			1,907.00						1,907.00
	Dollar				6,757.00				6,757.00
Total			18,954.69		91,043.38		198.94		110.197.01

PAT ROBERTS
Chairman, Committee on Intelligence, Oct. 24, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Kearney:									
United States	Dollar				2,665.46				2,665.46
Macedonia	Dinar		865.30						865.30
Knox Thames:									
United States	Dollar				1,640.90				1,640.90
Canada	Dollar		74.00						74.00
Ronald McNamara:									
United States	Dollar				1,640.90				1,640.90
Canada	Dollar		90.00						90.00
Chadwick Gore:									
United States	Dollar				5,706.83				5,706.83
Austria	Euro		574.00						574.00
Sean Woo:									
United States	Dollar				5,598.08				5,598.08
South Korea	Won		1,950.00						1,950.00
Total			3,553.30		17,252.17				20,805.47

SAM BROWNBACK,
Chairman, Commission on Security and Cooperation in Europe,
Nov. 25, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), OFFICE OF THE PRESIDENT PRO TEMPORE FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
United Kingdom	Pounds		2,314.36						2,314.36
Sid Ashworth:									
United Kingdom	Pounds		2,314.36						2,314.36
Brian Wilson:									
United Kingdom	Pounds		2,314.36						2,314.36
Brian Potts:									
United Kingdom	Pounds		2,314.36						2,314.36
Clayton Heil:									
United Kingdom	Pounds		2,314.36						2,314.36
Charlie Houy:									
United Kingdom	Pounds		2,314.36						2,314.36
Betsey Schmid:									
United Kingdom	Pounds		2,314.36						2,314.36
Keith Kennedy:									
United Kingdom	Pounds		2,314.36						2,314.36
Senator James Inhofe:									
United Kingdom	Pounds		2,314.36						2,314.36
Kay Webber:									
United Kingdom	Pounds		2,314.36						2,314.36
Senator Thad Cochran:									
United Kingdom	Pounds		2,314.36						2,314.36
John Eisold									
United Kingdom	Pounds		2,314.36						2,314.36
Anne Caldwell:									
United Kingdom	Pounds		2,314.36						2,314.36
Senator Richard Shelby:									
United Kingdom	Pounds		2,314.36						2,314.36
Senator Pat Roberts:									
United Kingdom	Pounds		2,314.36						2,314.36
Terry Sauvin:									
United Kingdom	Pounds		2,314.36						2,314.36
Stewart Holmes:									
United Kingdom	Pounds		2,314.36						2,314.36
DeLynn Henry:									
United Kingdom	Pounds		2,314.36						2,314.36
Dave Schiappa:									
United Kingdom	Pounds		2,314.36						2,314.36
Total			43,972.84						43,972.84

TED STEVENS,
Chairman, Office of the President Pro Tempore, Oct. 13, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM AUG. 5 TO AUG. 13, 2006.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Anna M. Gallagher									
China	Yuan		2,054.75						2,054.75
Total			2,054.75						2,054.75

WILLIAM H. FRIST,
Majority Leader, Oct. 19, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), PRESIDENT PRO TEMPORE FOR TRAVEL FROM AUG. 5 TO AUG. 13, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
China	Yuan		2,054.75						2,054.75
Senator Daniel Inouye:									
China	Yuan		1,747.75						1,747.75
Senator Thad Cochran:									
China	Yuan		2,054.75						2,054.75
Senator Arlen Specter:									
China	Yuan		1,386.54						1,386.54
Senator Norm Coleman:									
China	Yuan		2,054.75						2,054.75
Senator Patty Murray:									
China	Yuan		2,054.75						2,054.75
Senator Lamar Alexander:									
China	Yuan		1,897.15						1,897.15
Senator Richard Burr:									
China	Yuan		2,054.75						2,054.75
Sid Ashworth:									
China	Yuan		1,747.75						1,747.75
Charlie Houy:									
China	Yuan		1,747.75						1,747.75
George Lowe:									
China	Yuan		1,389.87						1,389.87
Jennifer Lowe:									
China	Yuan		1,389.87						1,389.87
Claire Jolly:									
China	Yuan		2,054.75						2,054.75
Dr. John Eisold:									
China	Yuan		2,054.75						2,054.75
Kay Webber:									
China	Yuan		2,054.75						2,054.75
Rick Desimone:									
China	Yuan		2,054.75						2,054.75
*Delegation Expenses:									
China	Yuan						19,068.26		19,068.26
Total			29,799.43				19,068.26		48,867.69

TED STEVENS,
Chairman, Presidential Pro Tempore, Nov. 28, 2006.

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res 179 agreed to May 25, 1977.

MEASURES READ THE FIRST TIME—S. 1, S. 2, S. 5, S. 113

Mr. REID. Madam President, it is my understanding there are four bills at the desk. I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will read the four bills, en bloc, for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

A bill (S. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in Federal minimum wage.

A bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research.

A bill (S. 113) to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007.

Mr. REID. Madam President, I ask for a second reading in order to place the bills on the calendar under the provisions of rule XIV, and having done that, I object to my own requests en bloc.

The PRESIDING OFFICER. The objection is heard.

The bills will receive their second reading on the next legislative day.

ROBERT T. STAFFORD WHITE ROCKS NATIONAL RECREATION AREA

Mr. REID. Madam President, I ask consent that the Senate proceed to the consideration of S. 159 which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 159) to redesignate the White Rocks National Recreation Area in the State of Vermont as the Robert T. Stafford White Rocks National Recreation Area.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, it is with great sadness that I rise today to bid a final goodbye to one of Vermont's most distinguished public servants. On Saturday, December 23, just before Christmas, former Senator Bob Stafford from Vermont passed away at the venerable age of 93. He leaves behind a tremendous legacy of which he and his family and fellow Vermonters and all Americans should be exceptionally proud. I take this opportunity to pay tribute to Robert Stafford, an extraordinary Vermonter, and especially a very dear and close friend.

He will be greatly missed by me, my wife Marcelle, and by so many other Americans all across our country. We send our condolences to his wife Helen and his family.

Born in Rutland in 1913, Senator Stafford attended his hometown's public schools. He completed his undergraduate work at one of our Nation's finest undergraduate institutions, Middlebury College. He briefly attended the University of Michigan Law School but ultimately earned his law degree from Boston University School of Law in 1938.

Bob was a remarkable person not only because of his service as a statesman but also for his service in the military. He is a prime example of what has been so aptly named the ''greatest generation.''

Senator Stafford courageously stepped forward to serve our Nation during not one but two foreign wars. In 1942, he enlisted in the U.S. Navy and served on active duty from 1942 to 1946. Again, when the Korean war began, he served from 1951 to 1953 as an officer in the Navy. Bob later became the first commander of the Navy Reserve Center in Burlington, VT. The center later moved to White River Junction in 1995, and I was pleased to recommend to the Navy that the new facility be named the Robert T. Stafford Naval Reserve Center. They happily obliged. Throughout his life, Bob remained extremely proud of his Navy career. I still remember that beautiful day when we opened the new Naval Reserve facility named in honor of his leadership.

Indeed, the recently completed Lake Champlain Navy Memorial was dedicated in his honor by the unanimous recommendation of its founding committee, made up of Navy veterans, retirees, and reservists.

Bob Stafford was an absolute giant in Vermont politics. He spent almost 30 years representing our great State, first in the U.S. House of Representatives, and then in the U.S. Senate. Prior to his arrival in Washington in the early 1960s, he served his fellow Vermonters closer to home, holding a number of prominent State positions.

He served as Rutland County State's attorney and deputy State attorney general, and finally as our State attorney general. From 1957 to 1959, Bob Stafford held the post of Lieutenant Governor. In 1959, he went on to become Governor.

In 1960, Bob Stafford was elected to Vermont's sole seat in the U.S. House of Representatives. He won five successive reelections. In September of 1971, he resigned his House seat to accept an appointment to the U.S. Senate following the death of Senator Winston Prouty.

After he won a special election in January 1972, Bob proceeded to represent Vermont in the Senate during the next 17 years. I had the distinct privilege of serving with him during all but 2 of those years. He also had serving with him from the time he was Governor through the House and the U.S. Senate a most remarkable Chief of Staff, Neal Houston. He and Neal Houston were like brothers. They could almost complete each other's sentences. When I spoke to Neal and heard the sad news about Senator Stafford's passing, I knew he felt that he had lost a member of his own family.

When I first came to Washington as a young man in 1974, I was a 34-year-old junior Senator from Vermont. We didn't have any kind of orientation for new Senators at that time. Bob Stafford was an indispensable mentor to me. I will never forget the leadership and friendship he offered me during that challenging time.

Interestingly enough, Senator Stafford was sort of the epitome of a Vermont Republican in the proudest tradition. I was the only Democrat ever elected. He took me under his wing during those early years. He was enormously helpful to me, his younger, far less experienced junior colleague. I will never forget that he even allowed me the use of his office before I was assigned a space of my own, where we could interview people for positions in my office and where telephone calls could be answered. He brought me around and introduced me to both Republicans and Democrats and basically vouched for me.

But Bob and his wife Helen's kindness extended far beyond the confines of the Senate office buildings. Helen was kind enough even to offer to babysit our children when Marcelle and I were so new in town that we had nowhere to turn for childcare while we were house-hunting. This is a remarkable couple.

To this day, Marcelle and I hold enormous gratitude for the friendship the Staffords offered during our early years in Washington. That friendship has continued throughout the years, and we have many fond memories of visiting their home on Sugar Hill Road. Even after Bob left the Senate, we would drop by and visit. We had some most remarkable conversations—some political, some family, and after all of them I would leave with a smile on my face.

Bob was an extremely well liked member of the Republican Party. He served at one time in the Republican leadership, but he also formed many close friendships with Senators on the Democratic side. Always respectful, always polite, Bob Stafford consistently recognized the importance of moderation and compromise. He, better than most, knew how to form bipartisan alliances.

In his quiet and unassuming manner, Bob Stafford fought hard for the issues that mattered most to him. He believed passionately that higher education should be more accessible to all Americans, regardless of their socioeconomic status, and he was instrumental in creating the student loan program which today bears his name. The Stafford Student Loan Program has made higher education more accessible for millions of Americans, even for some who work in my office today. Bob was a champion of vocational education. Today the Stafford Technical Center, located in his hometown of Rutland, serves the needs of hundreds of students in Rutland County.

Bob showed tremendous leadership in blocking President Reagan's attempts to slash health and education funding. Thanks to Bob Stafford's hard work, programs for disabled Americans and legal aid were left largely intact during much of the 1980s when other programs were starkly scaled back. His chairmanship made sure they were protected.

Bob Stafford also played an important role in another issue of enormous relevance today, Federal emergency assistance. In 1988, President Reagan signed into law the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a bill which provides the statutory authority for Federal disaster response activities pertaining to FEMA programs.

While his achievements in the areas of education and Federal disaster relief were certainly superb, I believe his most enduring legacy will be for the work he did in protecting the environment and public health. He helped shape and strengthen some of our Nation's most critical environmental laws for over two decades.

As chairman of the Environment and Public Works Committee from 1981 to 1986, Bob Stafford was instrumental in persuading Congress to expand and strengthen the Superfund toxic waste cleanup law in the mid-1980s. It was in large part due to Robert Stafford's unwavering commitment to this bill in 1980 that the Superfund Act became law at all. As many of us know, this law has been indispensable in forcing industry polluters to contribute money to finance cleanup and restoration of contaminated wastesites.

Bob Stafford believed passionately in the Federal Government's commitment to improving the quality of our Nation's air. This was never more evident than in his steadfast work to uphold the Clean Air Act when it was under attack during the 1980s. He did not shirk from taking on his friend President Reagan as well as auto manufacturers and other industry groups in refusing to roll back this critical air pollution law.

In fact, I remember talking to him once. They were so anxious to get him to change and let these rollbacks go through that they invited him down to the White House, to spend some one-on-one time with President Reagan. The Reagan administration amazed many of their members afterward that Bob didn't back off at all. He came back and kept on protecting the environment.

I said to him: Bob, what happened when you went down there to talk with President Regan?

He said: Well, the President had notes of what he was supposed to say and he said it. Then he looked at me and he said: Bob, you're probably not going to give in, are you? Bob said: No, no, I'm not, Mr. President, but I certainly appreciate the time to be with you.

I said then: What did you talk about the rest of the time?

Oh, we talked about our kids, we talked about sports, we talked about a lot of other things. He said: I had a wonderful conversation with President Reagan. But he did not budge on the environment, something no Vermonter would do.

His concern about the contamination of our air was truly remarkable. The consistent and clear manner in which he spoke about the danger of ozone depletion, acid rain, and the release of greenhouse gases related to global warming, during a very difficult period, was a source of inspiration to so many of his colleagues on both sides of the aisle. It certainly was an inspiration to me.

As EPW chairman, Senator Stafford also led the fight to improve the quality of our water. Working closely with Senator John Chafee and others on both sides of the aisle, his leadership

was critical in reauthorizing the Clean Water Act in 1987. Bob cited the passage of this act as the culmination of one of the greatest bipartisan efforts in protecting our Nation's environment. It really was. Republicans and Democrats came together. It gave me enormous pride to see him appear 3 years ago before the Senate in celebrating the act's 30-year anniversary. Thanks to Bob's leadership during those difficult years of deregulation, our Nation was able to make great strides in reducing the levels of pollutants and contaminants in our water.

Even after he retired from Congress, he served Vermont in many ways. He was a member of the University of Vermont's School of Natural Resources Advisory Committee and attended the day-long hearings with his wife Helen up to just a few years ago. He also lectured at UVM, Norwich University, and Castleton State College. In 2003, his old alma mater, Middlebury College, honored both Bob and his wife Helen, also a Middlebury graduate, by inaugurating the Robert and Helen Stafford Professorship in Public Policy. Two people who had been together almost all their lives are together in this professorship.

Also in retirement, Bob continued to fight for clean air. In 1995, he joined forces with his friend and former colleague, Senator Edmund Muskie, in incorporating the Clean Air Trust, a nonprofit organization dedicated to upholding and enforcing clean air legislation.

He leaves so many impressive achievements for his lifelong work in public service. But outside these public accomplishments, Senator Stafford was also a man of many personal hobbies and interests. It kind of reflects who he is. On weekends, he liked to slip out of Washington with his wife Helen and enjoy time on his boat, a full Moon, cruising down the Chesapeake Bay. Marcelle and I were fortunate enough to join them on occasion. He loved the water. He loved everything about sailing. You can tell why the Navy holds him in such high regard back home.

He took flying lessons as a young man. He eventually got his pilot's license in the early sixties. In fact, he would pilot a leased Cessna back and forth between Washington and Vermont.

It was a mark of this unique Senator that he welcomed and helped the first Senator of the other party to be elected in Vermont. I will always remember and cherish the walks we took down the halls and the times we would sit and talk at lunch. People thought we were talking so much about politics. We were talking about Vermont. We were talking about whether the foliage season was going to start early or late, and we would make a determined judgment when it would be. Heck, we had not the foggiest idea but, boy, we had fun determining when it would start.

No Senator could have learned as much from his fellow Senator as I did, nor could a senior Senator be so patient and understanding with his junior. Throughout our time together, when I had been inclined to move impulsively, it would be Bob Stafford who would help me decide what was truly in the best interest of the country and Vermont. He was the most unflappable person I have ever known.

I remember flying to Vermont with him once on a commercial airline. The plane hit a tremendous amount of turbulence. We suddenly dropped thousands of feet. At least one person was airborne in the cabin, and things were flying around. I know my pulse raced ever so fast. When the pilot finally got control of the plane with a shuddering, banging maneuver, I sat there stunned. I had sweat soaking through my shirt. Bob simply folded his paper—which he never stopped reading—turned to me and in a quiet voice said: Patrick, just think if this plane had gone down. Tomorrow morning there would have been a long line outside the Governor's office. Everybody would be saying what a terrible tragedy that we have lost our Senators, but, Governor, I am willing to be appointed to either one of the seats. I found that I was not so frightened, and I was able to laugh until it hurt, and I did laugh.

Bob Stafford was a man who dedicated his entire adult life to public service because he deeply believed in the value of public service. And no matter where life took him, Bob stayed close to his Vermont roots. He never forgot the people he served. While many younger Vermonters and Americans may not know much about Bob Stafford, his public service and leadership are examples for all of us. Our country would do well to stop and take notice of his life and reflect on how we should all serve our Nation better with his bipartisan leadership style.

It is with tremendous sadness that I say goodbye to this truly distinguished American, more importantly to an exceptionally dear friend. To honor Robert Stafford's legacy, Senator SANDERS and I, along with Congressman Peter Welch from Vermont, introduced a bill to rename the White Rocks National Recreation Area. This is an area Senator Stafford created in 1984. We are naming it after him. White Rocks was among his most beloved natural areas in our State. We know that he and Helen could actually see the towering white cliff face of White Rocks Mountain from their home. This will remind generations of future Vermonters of Senator Stafford's towering achievements and the humanity of his spirits.

I hope all my colleagues will support this legislation.

● Mr. SANDERS. Madam President, on this first day of the 110th Congress, I pay tribute to a former Member of this esteemed Chamber. On December 23, 2006, Senator Robert Stafford passed away. This was a tremendous loss for both Vermont and the country. There is no doubt, however, that his accomplishments in many areas will continue to be felt across this great Nation for countless years to come.

A native of Rutland, VT, Senator Stafford was born in 1913. Before representing Vermont in Washington, Bob Stafford spent years serving the people of our State, including as Attorney General. In 1960 he began service as Vermont's single voice in the U.S. House of Representatives, where he remained until 1971, when he became a Member of this hallowed body. During his 17 years in the United States Senate, Senator Stafford was known for his commitment to bipartisanship and congeniality.

Senator Stafford left his mark on our country in more ways than can be mentioned here today. He had an unwavering dedication to making education within reach of all our country's citizens and today, countless Americans—maybe even some of the younger members in this Chamber—have benefited from the Stafford Student Loan program. Additionally, his commitment to the environment and public health was unshakable. Bob Stafford, from his position as Chairman of the Environment and Public Works Committee from 1981 until 1986, worked tirelessly to address both air and water quality issues, even when it meant doing so against the wishes of his own leadership, at the highest levels. His courage on all of these issues, and so many others, will never be forgotten.

Leaving the Senate did not stop Robert Stafford from contributing to the common good. In fact, he remained active at the state level and continued to fight for protection of the environment. I can only hope that I will be as engaged for as long as he was.

To honor Senator Stafford, Senator LEAHY and I, along with Representative WELCH, introduced a bill today to re-designate the White Rocks National Recreation Area in our fine state as the ''Robert T. Stafford White Rocks National Recreation Area.'' This is a small, but fitting, tribute to his memory.

Bob Stafford was a true public servant. I am humbled to be serving the State of Vermont in the seat he once held. He dedicated his life to serving others and to creating a better world. My thoughts are with his family as they mourn his passing. And may the example he set during his many years be emulated for many to come.●

Mr. REID. Madam President, I ask consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 159) was ordered to a third reading, was read the third time, and passed, as follows:

S. 159

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

SECTION 1. ROBERT T. STAFFORD WHITE ROCKS NATIONAL RECREATION AREA .

(a) REDESIGNATION.—The White Rocks National Recreation Area in the State of Vermont, as established by section 202 of the Vermont Wilderness Act of 1984 (16 U.S.C. 460nn–1), is redesignated as the ''Robert T. Stafford White Rocks National Recreation Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the recreation area referred to in subsection (a) shall be deemed to be a reference to the Robert T. Stafford White Rocks National Recreation Area.

ORDERS FOR MONDAY, JANUARY 8, 2007

Mr. REID. Madam President, it is my understanding that there are a couple of Senators who wish to speak. We will take care of that in a minute.

I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11:30 a.m., on Monday, January 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in that day, and that the time until 12 noon be equally divided and controlled between the two leaders or their designees; that at noon, the Senate proceed to the consideration of S. Res. 19, a resolution celebrating the life of the late President Gerald R. Ford; that once the resolution is reported, the Senate then vote, without intervening objection or debate, on adoption of that resolution; that upon the adoption of the resolution, the preamble be agreed to and the motion to reconsider be laid on the table.

I further ask consent that notwithstanding the adjournment of the Senate on Friday, January 5, S. 1 be considered to have received its second reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Today was a good day in the Senate. The spirit of bipartisanship is in the air. I look forward to working with the Republican leaders and Members of Congress as we move ahead and forward in this Congress, the 110th Congress.

For the information of Members, the first vote next week is Monday, January 8, at 12 noon. Therefore, Members should be prepared to be here and ready to vote. Time will show what we will do, but votes will be a lot quicker than they used to be. We will not wait around for long times. Most of the votes are not very close, and it is not fair to keep Members from their constituents and other work in their office. If some people are not here, they will not be recorded within a reasonable period of time after the vote is called.

We hoped to proceed to S. 1. We do not have consent to move forward on that yet, but we are confident we will.

ORDER FOR ADJOURNMENT

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order, following the remarks of Senator LANDRIEU for 10 minutes and Senator COBURN for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

AUTHORIZATION OF MORGANZA TO THE GULF OF MEXICO HURRICANE PROTECTION PROJECT

Ms. LANDRIEU. Madam President, I come to the floor briefly to speak about a bill I introduced today on the first day of this 110th Congress to signify its importance to our State and to speak about that for a moment.

But before I do, I want to give my public congratulations to the new leadership of this Chamber, to thank the Senator from Nevada and the Senator from Kentucky, the majority leader and the minority leader, for their gathering together of the Senators today, as the Presiding Officer also attended—a quite historic meeting of almost 100 of us in the Old Senate Chamber—and their commitment to us and to the Nation, although it was a private meeting, to work in a more collegial, cooperative way as this Congress begins and to try to forge the bipartisan solutions I think our country called for as a reflection of the outcome of the last elections.

I, for one, publicly want to commit myself to that endeavor and to work toward that end, as I continue to work across the aisle with many in the other party, and even Members such as the Presiding Officer in our own party, in the Democratic Party, to get the job done for our States.

In that regard, I introduced this bill today to authorize a project and to ask for special consideration for this very important levee and hurricane protection project in the State of Louisiana called Morganza to the Gulf. As today we look forward into what we are going to do with this new hope and new spring and new era of cooperation, that is terrific. But we also need to think about looking a little bit backward as to what we did not get done in the last Congress or the Congresses before so we can pick up that work and move forward.

This initiative, Morganza to the Gulf, would fall into that category of a project that was actually approved not only by the last Congress, the 109th Congress, but the 108th and the 107th, and started back actually decades ago. And because of just a few technical glitches resulting in the U.S. Army Corps of Engineers' failure to timely complete its report, the contingent authorization of the Morganza project expired. Eventually, the Corps submitted its report more than a year late and recommended authorization of the project.

Madam President, this project when completed will protect 120,000 people in south Louisiana, many of whom were devastated by two of the worst storms and subsequent flooding in the history of our country only 2 years ago, in 2005. However, these people are left vulnerable without this project being completed. It was part of a major WRDA bill, the Water Resources Development Act, of which this Congress worked together in quite an extraordinary bipartisan effort, as the Presiding Officer knows. You have been a part of that effort.

It comes out of the EPW Committee, the Environment and Public Works Committee. Democrats on that committee and Republicans worked very hard, into the late hours of the night, trying to get that bill through. But for a number of reasons, this massive bill, with billions of dollars of projects, could not pass in the final hours.

But this one project, of all of the projects in the Nation, I believe deserves special attention, not because it is in Louisiana, not because Senator VITTER and I represent this, and not only because our State received devastation from Katrina and Rita but because this is the one hurricane protection project that actually had been approved in the last WRDA bill. But because of untimeliness on the part of the Corps of Engineers, we could not get it authorized in the last bill, and it should be first to be approved now.

I do not know what is going to happen with our WRDA bill. I am certain the Senator from California, who has pledged her support, and the ranking member of that committee, Senator INHOFE from Oklahoma, who is familiar with this, understand the special nature of this issue. Whether we can move this independently, I do not know. But I am going to ask. Until we are told no, we are going to try. Senator VITTER is not here to speak for himself, but I know he feels very strongly about this, as indicated by his own actions and strong words he has put in the RECORD. Our House Members, both Republicans and Democrats,

could make the same arguments on the House side.

I know people may be tired of seeing the Senators from Louisiana and Mississippi come down and talk about the gulf coast. But it is America's energy coast. It is a working coast. There are working people who live in real communities, large and small, whose homes have been devastated, whose churches have been destroyed, whose schools have been destroyed, and who still look to us to help them, to not waste their money or others' money in the relief but to spend it wisely and well and to provide at least the Federal partnership for these hurricane protection levees. And that is what this is.

The communities of Lafourche and Terrebonne Parishes, located in southeast Louisiana, which are the heart of America's energy coast, are willing and able to do their engineering, to put up their own money, to make sure that the projects are done in an expedited fashion. But they cannot begin without this Federal authorization.

So I have introduced as stand-alone legislation, the Morganza to the Gulf of Mexico Hurricane Protection Project, as my first bill, to indicate the continued need throughout south Louisiana and the gulf coast for more protection from hurricanes and smart engineering, to say we are not going to stop asking for the things we think are most certainly meritorious of this Congress's attention and to continue to say that with all the challenges of housing, health care, education, small business recovery, et cetera, that hurricane protection for levees and coastal restoration remains a constant need for the gulf coast and, I would predict, for other coasts around the country that need to wake up to the dangers of rising tides, surges from whatever, tsunamis on the west coast, hurricanes on the east coast, as a potential, and get serious about the business of stronger infrastructure and better planning about where and where not to build close to the coast.

But again, these are working communities that are there—not sunbathing, not condos—running ports, laying pipelines, and giving the Nation the energy infrastructure it needs. These people, just like in the big cities of New Orleans and Baton Rouge and Lafayette and Lake Charles—these small communities of Houma and Lafourche and Cocherie and Golden Meadow and places that no one in Washington has ever heard of, but we visit all the time, deserve the protection of their Federal Government based on what they contribute to the Nation.

So I thank the Presiding Officer for letting me speak for the RECORD on this issue. I thank the leadership for giving me this time and commend it for the Senate to consider. Hopefully, we can pass it within the first weeks of this Congress.

I yield the floor.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Oklahoma.

STEWARDSHIP OF THE TAXPAYERS' MONEY

Mr. COBURN. Madam President, I want to spend a few minutes today to kind of summarize some of the events of the past year and kind of also to put the Senate on notice that what this election was about is us being good stewards with the taxpayers' money.

I appreciate the distinguished Senator from Louisiana. I happen to be the Senator who held that bill up in the wee hours of the morning. There were some real good reasons why I did that. It is a great example of the habits that we have to change. There is no question that levee system needs to be authorized, and it will be authorized this year. There is no question. But there was a drudging component that was added to that bill. Nobody knew what it was going to cost, at least $100 million. That portion had not cleared the committee, and it was important that we not have habits such as that, to authorize programs that we do not have any idea what they cost.

We have heard a lot of talk about bipartisanship. We can all be partisan for America. If you go to the Federal Government's Web site and go to the Comptroller General, David Walker, and you read what is there—I would encourage every American and every Senator to go read it—what you will find is we are on an absolute unsustainable course. And the problems are bad now. Madam President, we have a $260 billion deficit this year with ''Enron'' accounting statistics, about a $360 billion accounting deficit by real accounting statistics. That is what we are adding to the Nation's debt. That is what our kids get to pay back through a decreased standard of living. But I would encourage you to go read it. We cannot continue to do what Congresses over the last 5 years have done; that is, we cannot spend new money because there is no new money. So that means if we are going to authorize a new program, we need to make sure a couple things happen. One is we need to make sure it does not duplicate something that is already there. And if it does, we need to eliminate what it duplicates if, in fact, it is better because there is an opportunity cost of funding two programs that do the same thing. One of them does it better, so every dollar you spend on the one that does it less well costs us money in terms of the value for our children.

Let me give you a couple other examples, things where our rules kind of mess us up. Because of the budgetary rules, Federal buildings in this country are no longer owned by the Federal Government—new ones. Why is that? For any other business, any individual would, if they are going to lease a building, try to lease purchase it. Because of our accounting rules, we lease them. Because if we lease purchase, then the agency has to show the entire cost of the building in their budget that year.

Well, it does not make accounting sense. I happen to have a degree in accounting. It is crazy accounting. But what it does is force us to make bad financial choices on fixed assets for the Federal Government. We cannot get rid of the buildings that we don't want now. We spend $6 billion—that is billion with a ''b''—a year maintaining buildings the Federal Government does not want. That is $6 billion. The Pentagon spends $3 billion. That is a total of $9 billion.

So if we had the $9 billion, if we could get rid of the buildings we wanted to by streamlining that process, we could save $9 billion a year. Madam President, $9 billion would do a whole lot for the people of Louisiana as far as this levee system repair.

We know we can save about $30 billion every 5 years by having the buildings we acquire or lease become lease purchase because then the taxpayer gains from the real estate rise in value associated with those buildings. We have a lot to change in what we do. I am not a partisan Republican, but I am very partisan about the future of this country and what has to change to do that.

Some other examples I would want the American public to know that we could do something about tomorrow: We have an earned-income tax credit that has a 40-percent error rate on it. That means billions of dollars every year get paid to people who do not qualify for their earned-income tax credit, but we do not fix it. We have not fixed it. Shame on us. We have $350 billion a year that is owed in taxes to the Federal Government—that is what the tax gap is this year—that will not be collected.

As a matter of fact, last year, the IRS, through incompetency, was putting on board a new program. They threw away their old program. But the new program was not ready, so they do not have a way to go back and track the problem tax payments. That is going to cost us $50 billion, $60 billion in lost revenues—one stupid error after another.

We have a program to help people with food called food stamps, except we have an error rate there, where we give out $1.6 billion to people who are absolutely not eligible for that program every year. In this very short conversation of what we have talked about, we have talked about over $400 billion that we would have. We would not be running a deficit now if we did some things efficiently.

In the last 2 years, the subcommittee I chaired, along with TOM CARPER, the

Senator from Delaware, had 46 hearings oversighting Federal financial management. We came up with, either from waste, fraud or duplication—not counting the tax gap, not counting any of these other things I have talked about—$200 billion of fraudulent, wasteful or duplicative programs associated with the Federal Government.

What the American people ought to be asking us is, rather than creating new programs, fix the ones we have. Make them efficient. Eliminate the duplications.

I am planning, when I come back, to send a letter to my colleagues outlining what my procedures plan to be in terms of blocking new bills to the floor. I thought I would read it into the RECORD tonight so that if anybody has any disagreement with it, they would come speak with me.

First is for me to agree to a unanimous consent on legislation in the 110th Congress, the bill has to conform to the vision of the limited Federal Government set forth by the Constitution and our Founding Fathers. In other words, it has to be constitutional.

Second, if it creates or authorizes a new Federal program or activity, it must not duplicate an existing program or activity.

Third, if a bill authorizes new spending, it must be offset by reductions in real spending elsewhere.

If a program or activity currently receives funding from sources including, but not limited to, the Federal Government, the bill shall not increase the Federal Government's share of that spending.

Finally, if a bill establishes a new foundation, museum, cultural or historic site, or other entity that is not an agency or a department, the Federal funding should be limited to the initial start-up cost plus an endowment that can be added to through private funding.

The way we get out of the problems facing our country starting in 2012 is to endow the future rather than expand it. If we start endowing things—one of the former Presiding Officers, the Senator from Arkansas, had a plan to honor Bill Clinton's birthplace home. I am not against that at all. But the average cost to the American taxpayer for every President's birthplace home—and there are only 22 of them—is a million dollars a year. Divide that out for a minute. That is $3,000 a day to take care of a birthplace home. Most Americans would kind of like to have that to care for their home.

The answer to that is to create an endowment with a million dollars, set it up as a fund for the Bill Clinton birthplace home endowment. It can never be touched. People can give money to that, and they can care for that. The earnings off of that will be about $60,000 a year. That is about $200 a day, or about $5,800 a month. Most people in America—as a matter of fact, the vast majority of people in America don't come close to spending that on maintaining their home in a year. So we can generously endow what needs to happen for the future and use the power of compound interest to help secure the future for our kids.

My hope is that this spirit of bipartisanship we are starting off with will lead us to do the things the American people want us to do, and that is to get control of this behemoth we call the Federal Government. We can do it if we work together and if we are partisan for our children, partisan for the future of our country, and if we will do the oversight. If our oversight is going to point at what President Bush did wrong rather than what we can do right to fix programs, eliminate inefficiencies and fraud and waste, we will do much more for the country.

I hope the words we have heard today will be acted on the entire 2 years of the 110th Congress. If they are and we follow these guidelines, we will see a surplus much sooner than 2012. We can do that but not without the hard work and dedication that says future generations are worth it, worth us doing what we need to do to make the difference. We could take care of every need of the people in Louisiana because we have tons of waste where we are spending in the wrong way, whether it is bridges to Alaska or railroads across Mississippi or financing defense contractors when insurance is going to pay their bill anyway; we could do it.

We have to stop playing the game and start thinking about the long term. My hand is out to work with anybody, whether on this side of the aisle or the other side, who wants to solve the fiscal problems facing this country. Then we can get about solving health care and retirement programs associated with Social Security and Medicare.

ORDER FOR MEASURE TO BE HELD AT THE DESK—S. RES. 19

Mr. COBURN. Madam President, I ask unanimous consent that S. Res. 19 be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I yield the floor.

ADJOURNMENT UNTIL MONDAY, JANUARY 8, 2007, AT 11:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate is adjourned until Monday, January 8, 2007, at 11:30 a.m.

Thereupon, the Senate, at 6:28 p.m., adjourned until Monday, January 8, 2007, at 11:30 a.m.